



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Monday, the Fourth day of November Two Thousand and Nineteen

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

WMP(MD). No.14849 of 2019 in WP(MD).No.9427 of 2009

The Management
Tnstc (Madurai -Div- V) Ltd Now Known as
Tnstc (Madurai Ltd Rep. by its General
Manager Virudhunagar

... Petitioner/Petitioner

Vs

1 M.Manickam
2 The Presiding Officer
Labour Corut Madurai

... Respondents/Respondents

Prayer in WMP(MD). No.14849 of 2019:-

This Petition is filed Under Section 5 of Limitation Act praying to condone a delay of 525 days in filng the restoration petition in WMP(md)17638/2017 in WP(md)9427/2009 dated 31.01.2018 to restore the case

Prayer in WMP(MD). 17638/ 2017 :

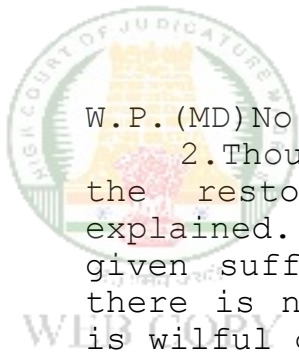
Writ Petition is filed under Article 226 of the Constitution of India, praying to set aside the ex-parte order passed in WP(MD)No.9427 of 2009 dated 03.08.2017 on the file of this Honble Court and to restore the WP(MD)No.9427 of 2009.

Prayer in WP(MD). 9427/ 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of certiorari or any other appropriate writ or order or direction calling for the records of the second respondent herein in his proceeding in I.D.No.40 of 2003 dated 10.04.2008

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.J.Senthil Kumaraiah, Advocate for the Petitioner and of Mr.T.Ravichandran, Government Advocate for the respondent(s), this Court made the following order:

This petition is filed to condone the delay of 525 days in
<https://hccs.courts.gov.in/hccs/revise> restoration petition in W.M.P.(MD)No.17638 of 2017 in



W.P.(MD)No.9427 of 2009, dated 31.01.2018 and to restore the same.

2.Though there is an inordinate of delay of 525 days in filing the restoration petition, the delay has been satisfactorily explained. The petitioner being the Transport Corporation, has given sufficient reasons for non-remittance of cost. Absolutely, there is nothing on record to show that the non-remittance of cost is wilful or wanton. Being satisfied with the reasons stated in the affidavit filed in support of this petition, this Court is inclined to allow this petition on terms.

3.Accordingly, the delay is condoned and this petition is allowed and W.M.P.(MD)No.17638 of 2017 in W.P.(MD)No.9427 of 2009, which was dismissed for default on 31.01.2018, is restored to file, on condition that the petitioner pay a sum of Rs.2,500/- by way of cash to the Counsel for the respondents within a period of two weeks from the date of receipt of a copy of this order, failing which, this petition stands automatically dismissed without any reference to this Court.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

TO

The Presiding Officer,
Labour Corut, Madurai.

Copy to:

The Section Officer,
Writ Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 04/11/2019

ORDER

WMP(MD) . No.14849 of 2019
in WP(MD).No.9427 of 2009

Giving direction and etc.
as stated within.

KK/SAR/19.11.2019/2P-3C/