

C.M.P.No.21082 of 2019
in
C.M.A.SR.No.106166 of 2019
S.VAIDYANATHAN,J.

The present petition has been filed to condone the delay of 2903 days in filing the Civil Miscellaneous Appeal.

2. According to the petitioner, she is aged about 81 years and that she has undergone a bypass surgery for more than once, apart from a joint replacement at Ahmedabad, which was the cause for not approaching the Court immediately. She has stated that there is no need for her to pay any amount, as the order passed under Section 47(A) of the Indian Stamps Act, 1899 was challenged, in which the amount was reduced to Rs.60,000/- and the said amount was also remitted. However, on a wrong advice, she had once again approached the Authority to pass an order and the order passed thereon is the subject matter of the CMA. She has further stated that the Government cannot foist any liability on her, especially when she had approached the Forum again mistakenly. The wrong committed by her cannot be taken advantage by the Government, more particularly, when the Government had not questioned the earlier order.

3. Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondents has submitted that more than Rs.8 lakhs is due as on date.

4. Though this Court could have dismissed the matter on the ground of laches in the light of a judgment of the Hon'ble Division Bench of this Court in **S.Srinivasan and others vs. The State of Tamilnadu and others [Review Application (Writ) No.58 of 2019 in W.P.No.31114 of 2017] decided on 23.04.2019**, as delay should be explained properly, while computing the period of limitation, taking into the account the age of the petitioner and

S.VAIDYANATHAN,J.

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the sufferings undergone by the Senior Citizen, this Court is inclined to condone the delay, subject to the following conditions:

i) The petitioner is directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Ka.No.53538/N1/2008 dated 25.02.2011 before the 1st Respondent herein, on or before 24.02.2020 (as agreed by the petitioner) and on such deposit, the amount shall be kept under a Fixed Deposit Scheme initially for a period of one year and renewable thereafter periodically and the Government shall not at any cost withdraw the amount till the outcome of the Civil Miscellaneous Petition;

ii) It is made clear that in case the amount is not paid before 24.02.2020 and the proof filed in support thereof, the present petition will stand automatically dismissed without any further reference to this Court.

iii) On deposit of the amount stated supra and after filing necessary proof, Registry is directed to number the appeal, if it is otherwise in order and list the matter for admission in the usual course.

iv) After numbering the CMA, Registry shall print the name of Mr.T.M.Pappiah, learned Special Government Pleader for the respondents in the cause list.

10.02.2020

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Note: Issue order copy on 14.02.2020

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