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C.R.P.(PD) No.1516 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

C.R.P.(NPD).No.1516 of 2022

Kesavan

... Petitioner

Vs.

1.The Deputy Registrar of
Cooperative Societies,
Perambalur,
Perambalur Taluk & District.

2.The Special Officer,
Perambalur District Consumer
Cooperative Wholesale Stores,
Perambalur,
Perambalur Taluk & District.

3.The Joint Registrar of
Cooperative Societies,
Perambalur,
Perambalur Taluk & District.

4.K.Rajagopal

5.T.M.Sooriyanarayanan

6.M.Somasundaram

7.M.Kalyanasundaram

... Respondents



PRAYER: Civil Revision Petition filed under 115 of C.P.C., against the order dated 05.02.2021 passed by the Principal District Judge, Perambalur in I.A.No.1 of 2019 in C.M.A.(CS)No.1 of 2010.

For Petitioner : Mr.R.Jeyaram

For Respondents 1 to 3 : Mr.P.Harish, Govt. Advocate (C.S.)

ORDER

This Civil Revision Petition has been preferred challenging the order of the learned the Principal District Judge, Perambalur, dated 05.02.2021 made in I.A.No.1 of 2019 in C.M.A.(CS).No.1 of 2010.

2. The revision petitioner is the appellant who filed the I.A.No.1 of 2019 to condone the delay of 875 days in filing the petition to restore the appeal. The appeal filed by the revision petitioner in C.M.A.(CS).No.1 of 2010 was dismissed for default.

3. It is seen from the order of the learned First Appellate Judge that the respondent has submitted that the petition may be allowed on payment



of cost. However, the learned trial Judge, had chosen to dismiss the petition by taking a harsh approach. The learned trial Judge had observed that there is no acceptable reason to condone the delay of 875 days. It is needless to state that no petitioner can give satisfactory reasons for condoning the each and every days delay. In fact, the Hon'ble Supreme Court has held in the case of *Collector Land Acquisition vs. Mst.Katiji & Ors* reported in **1987 AIR 1353** that the obligation to explain each and every days delay should not be viewed by having a pedantic approach. When the respondent himself has stated that the condonation of delay can be allowed on terms. The learned trial Judge could have taken up pragmatic view by allowing the petition on terms. That would have given an opportunity even to the respondent to contest the appeal on merits.

4. Considering the above said reasons, this Civil Revision Petition is disposed on payment of cost of Rs.2,500/- to the 1st respondent within a period of two weeks from today, failing which, this order shall stand automatically dismissed without any further reference of this Court. No Costs.



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5. Post the case for compliance on 28.06.2022.

14.06.2022

Index : Yes/No
Speaking Order : Yes / No
ssn

To

- 1.The Principal District Judge,
Perambalur.
- 2.The Deputy Registrar of
Cooperative Societies,
Perambalur,
Perambalur Taluk & District.
- 3.The Special Officer,
Perambalur District Consumer
Cooperative Wholesale Stores,
Perambalur,
Perambalur Taluk & District.
- 4.The Joint Registrar of
Cooperative Societies,
Perambalur,
Perambalur Taluk & District.
- 5.The Section Officer,
VR Section, Madras High Court,
Chennai.



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R.N.MANJULA, J.,

ssn

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