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C.R.P (PD) No.1402 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2022

CORAM: **JUSTICE N.SESHASAYEE**

C.R.P (PD) No.1402 of 2022

S.Paulraj

... Petitioner

Vs.

1.The Deputy Registrar of Coop Societies
Attur Circle, Salem Dt

2.The Attur Agricultural Producer's Coop Marketing
Society, Attur 672
rep by its President, Atthur
Atthur Taluk, Salem Dt.

3.S.Paramasivam
The Deputy Registrar of Coop Societies
Attur Circle cum Managing Director of
s.672 the Attur Agricultural Producers
Coop Marketing Society, Attur, Salem Dt.

4.P.Kathirvel
Former Secretary, S.672, The Attur Agriculture Producers
Coop Marketing Society, Attur, 208, Mittpudur
Behind Ganga Kaveri Gas Godown, Convent Road
Salem 16

5.L.Thirupathi
Former Manager, S.672, The Attur Agriculture Producers



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Coop Marketing Society, Attur,
3/76 Akkichetti Palayam, Palaniyapuri Post
Attur Tk, Salem Dt.

6.P.Kumar

Former Assistant Secretary, S.672, The Attur Agriculture Producers
Coop Marketing Society, Attur, 94-25, Palanivel Chetty Street
Bazar Road, Jalakandapuram Post, Mettur Tk, Salem Dt.

7.K.Selvaraj

Now Manager (Sales)
S.672, The Attur Agriculture Producers Coop Marketing Society
Attur, Salem Dt.

8.P.Mathiyalagan

New Godown Superintendent
S.672, The Attur Agriculture Producers Coop Marketing
Society, Attur, Salem Dt. ... Respondents

PRAYER: The Civil Revision Petition filed under Article 227 of the
Constitution of India, to set aside the fair and decretal order dated 29.4.2021
of the Principal District Court, Salem made in I.A. No.1 of 2020.

For Petitioner	:	Mr.G.Manoj
For Respondent	:	Mr.A.Sundaravadhanan



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ORDER

Challenging a surcharge proceedings dated 26.06.2019 of the respondents, the revision petitioner preferred a civil miscellaneous appeal with a delay. To condone it, he took an interlocutory application in I.A. No.1 of 2020. This came to be dismissed on 29.04.2021.

2. Learned counsel appearing for the revision petitioner submitted that there is only a delay of 65 days, but the court finds the total delay as 145 days. He also further submitted that there were also Covid times and hence he could not file the appeal in time.

3. Heard the learned counsel for the respondent.

4. The revision petitioner is the former Joint Registrar of the Cooperative Society and now faces an action post retirement. This court also perused the papers and found that he has a *prima facie* case to contest. Taking into consideration the substantive cause of justice, this court deems it appropriate to allow the revision.



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5. Accordingly, this revision is allowed. The fair and decretal order dated 29.4.2021 of the learned Principal District Judge, Salem made in I.A. No.1 of 2020, is set aside. However, there is no order as to costs. Consequently, the connected civil miscellaneous petition is closed.

22.04.2022

Asr

To
The Principal District Judge, Salem



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N.SESHASAYEE, J.,

Asr

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22.04.2022