



C.R.P(NPD).No.2020 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(NPD).No.2020 of 2022

L.Thirupathi

...Petitioner

..Vs.

- 1.The Deputy Registrar of Coop Societies,
Office of the Deputy Registrar of Coop Societies,
Attur Circle, Attur, Salem District.
- 2.The Attur Agriculture Producers Coop Marketing
Society, Attur S.672, Salem District
By its President, Attur Taluk, Salem.
- 3.K.Paramasivan
The Deputy Registrar of Coop Societies Attur Circle
Attur cum Managing Director of S.672,
The Attur Agriculture Producers Coop Marketing Society,
Attur, Salem District.
- 4.P.Kathirvel
Former Secretary, S.672,
The Attur Agriculture Producers Coop Marketing Society,
Attur 208, Mittapudur,
Behind Ganga Kaveri Gas Godown Convent Road,
Salem 16.



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5.S.Paulraj

Former Special Officer,
1/29, Kommangipuram,
Sangrapandi Post,
Venbakkottai Tk,
Virudunagar District 626 201.

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 Taluk,
Salem District.

7.K.Selvaraj

No Manager (Sales)
S.672, The Attur Agriculture Producers Coop Marketing Society,
Attur, Salem District.

8.P.Mathiyalagan,

Now Godown Superintendent,
S.672, The Attur Agriculture Producers Coop Marketing Society,
Attur, Salem District.

..Respondents

Prayer:- Civil Revision Petition is filed under Section 115 of the Civil Procedure Code against the order of the learned Principal District Judge, Salem, dated 29.04.2021 made in I.A.No.1 of 2020 in Unnumbered C.M.A.Sr.No.2552 of 2020.



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For Petitioner : Mr.S.Venkataraman
For Respondents : Mrs.E.Indhumathi
Government Advocate for R1 & R2
R3- No appearance
RR4 to 8 – Notice Dispensed with

ORDER

This Civil Revision Petition has been preferred challenging the order of the learned Principal District Judge, Salem dated 29.04.2021 made in I.A.No.1 of 2020 in Unnumbered C.M.A.SR.No.2552 of 2020.

2.Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing for respondents 1 and 2 and perused the entire materials available on record.

3.Challenging the surcharge proceedings dated 26.06.2019 of the first respondent, the revision petitioner preferred a Civil Miscellaneous Appeal before the Court below with a delay of 146 days. To condone the delay, he took out an interlocutory application in I.A.No.1 of 2020 and it came to be dismissed on 29.04.2021 by the impugned order. Aggrieved by that, the petitioner is before this Court.

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4. The learned counsel appearing for the revision petitioner submitted that the petitioner is a senior citizen; due to old age and high blood pressure, he was not able to contact his counsel to file the appeal within time; and because of Covid pandemic also, the delay occurred and hence, the delay ought to have been condoned by the Court below.

5. The first respondent filed a counter affidavit stoutly opposing the revision petition by stating that the petitioner was not vigilant enough in filing the said application to condone the delay within time; the revision petitioner had not shown sufficient cause before the Court below to condone the delay of 146 days; further, he did not produce any medical records as to the period, in which, he had fallen ill;

6. The issue involved in this revision petition is squarely covered by an order of the learned Single Judge of this Court dated 22.4.2022 in CRP.No.1402 of 2022.



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7. The appeal remedy sought to be availed by the revision petitioner is a statutory remedy. The revision petitioner is the former Manager of the Cooperative Society and now faces an action post retirement. Hence, the appeal filed before the Court below ought to be disposed of only on merits after condoning the delay, though the Court below was of the opinion that the revision petitioner had not shown sufficient cause. Taking into consideration of the substantive cause of justice and in view of the order dated 22.4.2022 in C.R.P.No.1402 of 2022, this Court deems it appropriate to allow the revision.

8. Accordingly, this Civil Revision Petition is allowed. The fair and decretal order dated 29.04.2021 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.

30.08.2022

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Index:Yes No

Speaking Order:Yes/No

To

1.The Principal District Judge, Salem.

2.The Section Officer,

VR Section, Madras High Court, Chennai.

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R.N.MANJULA,J.

Vkr

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