



C.R.P.(NPD) No.2170 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2022

CORAM : JUSTICE **N.SESHASAYEE**

C.R.P.(NPD) No.2170 of 2021
and CMP.No.16454 of 2021

K.Nagendiran

... Petitioner / Petitioner

Vs.

1.The Sub Registrar (A&E)
Surcharge Officer
Co-operative Societies
Vellore.

2.The Administrator
M.R.Krishnamoorthy
Co-operative Sugar Mills Ltd.,
Sethiathope, Chidambaram Taluk
Cuddalore District.

3.The Director /
Registrar of Co-operative Sugar Mills
Directorate of Sugar Mills Ltd.,
Chennai – 600 035.

... Respondents / Respondents

Prayer : Civil Revision Petitions filed under Article 227 of the Constitution of India, praying to set aside the order dated 01.08.2017 passed in I.A.No.14 of 2017 in I.A.No.126 of 2016 in C.C.M.A.No.29 of 2013 filed



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under Section 152(1)(a) of Tamil Nadu Co-operative Societies Act 1983 on the file of the Principal District Judge, Cuddalore District, Cuddalore.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.P.Harish
Government Advocate [R1]

ORDER

The petitioner herein has suffered a proceedings in the surcharge order issued under Section 87(1) of the Tamil Nadu Co-operative Societies Act 1983. Therefore, he took up the matter before the Tribunal in Co.Op.C.M.A.No.29 of 2013, and that came to be dismissed for default on 09.01.2014. Subsequently, the revision petitioner herein took up an application for restoration of the said C.M.A., along with I.A.No.303 of 2015, for condonation of delay in an earlier mentioned application, and that came to be allowed on 21.04.2016, on condition to pay a cost of Rs.1,000/-. The cost was paid and the application for restoration of CMA was taken on file in I.A.No.126/2016. Subsequently, I.A.No.126/2016 came to be dismissed for default on 11.07.2016. Thereafter, the revision petitioner has taken out two applications, one for restoring I.A.No.126/2016 along with an



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application in I.A.No.14 of 2017, for condonation of delay of 69 days. This came to be dismissed on 01.08.2017. Challenging the said order, the present revision is filed.

2. The learned counsel for the revision petitioner submitted that due to oversight by the counsel on record for the revision petitioner before the District Court, Cuddalore, the matter came to be dismissed.

3.Mr.P.Harish, learned Government Advocate appearing for the first respondent submitted that the said CMA is now pending for the 9th year and this is a deliberate tactics of the revision petitioner to delay the matter.

4. Considering the rival submissions, this Court deems it appropriate to allow the revision and set aside the order passed in I.A.No.14/2017, and condone the delay in it. The learned Principal District Judge, Cuddalore is now directed to dispose of I.A.No.126/2016, within a period of 15 days from the date of communication of this order, and in the eventuality of allowing it, the District Court should take every endeavour to dispose of Co.Op.C.M.A.No.29 of 2013, within a period of four weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.



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Index : Yes / No

Internet : Yes / No

Speaking order / Non-speaking order

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Note : Issue order copy on 18.04.2022

To:

1.The Principal District Judge
Cuddalore.

2.The Sub Registrar (A&E)
Surcharge Officer
Co-operative Societies
Vellore.



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N.SESHASAYEE.J.,

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