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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CMP.Nos.18983 & 17224 of 2021
in
CMA.Sr.No.87550 of 2021
and
CRP.Sr.No.30602 of 2021

N.Nagarajan

... Petitioner in both CMPs

Vs.

1.The Deputy Register,
(Co-operative Societies) Railway Station Road,
Dharmapuri,
Dharmapuri District.

2.The Special Officer/President,
S.8633, Periyanaahalli PACB,
Periyanaahalli Post,
Palacode Taluk,
Dharmapuri District.

..Respondents in both CMPs

Prayer in CMP.No.18983 of 2021: Civil Miscellaneous Petition filed under Section 5 of the Limitation Act, 1963, seeking to condone the delay of 1337 days in filing the above civil miscellaneous appeal in CMA.Sr.No.87550 of 2021.

Prayer in CMP.No.17224 of 2021: Civil Miscellaneous Petition filed under Section 5 of the Limitation Act, 1963, seeking to condone the delay of 1337 days in filing the above civil revision petition in CRP.Sr.No.30602 of 2021.

Prayer in CMA.Sr.No.87550 of 2021. To set aside the fair and decreetal order dated 18/04/2016 made in I.A.No 03 of 2015 in CMA (CS) No 18 of 2008 on the file of the Principal District Court, Dharmapuri.

Prayer in CRP.Sr.No.30602 of 2021. To set aside the order dated 18/04/2016 made in I.A.No. 02 of 2015 in CMA (CS) No.18 of 2008 in the file of the Principal District Court, Dharmapuri.



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For Petitioner : Mr.A.Ilayaperumal
(in both CMPs)
For Respondents : Dr.S.Surya
(in both CMPs)

C O M M O N O R D E R

These two petitions have been filed seeking condonation of delay of 1337 days in filing the civil revision petition and civil miscellaneous appeal.

2.The petitioner was visited with surcharge proceedings by the Deputy Registrar of Co-operative Societies, Dharmapuri on 28.02.2005. He filed an appeal in CMA(CS).No.1 of 2006 before the Co-operative Tribunal namely, Principal District Judge, Krishnagiri. Upon bifurcation of Krishnagiri District into two as Dharmapuri and Krishnagiri and upon constitution of the Principal District Court at Dharmapuri, the appeal was transferred to the Principal District Court, Dharmapuri and numbered as CMA(CS)No.18 of 2008. The said appeal came to be dismissed for default on 28.10.2008 itself. The petitioner, after about seven years filed an application in IA.No.2 of 2015 seeking condonation of delay of 2328 days in seeking restoration of the appeal. Another application in IA.No.3 of 2015 was filed for restoration of the appeal. The learned Principal District Judge by order dated 18.04.2016 dismissed the application in IA.No.2 of 2015. As a consequence, IA.No.3 of 2015 in CMA(CS). No.18 of 2008 was also dismissed.

3.The petitioner seeks to challenge those orders by way of a Civil Miscellaneous Appeal and a Civil revision petition. There is a delay of 1337 days in filing the appeal and the revision. The reasons assigned by the petitioner for the delay is that he had entrusted the case papers with a Lawyer by name Indhirani of Dharmapuri and she had assured that a case has been filed in the High Court but the said Lawyer had died on 31.10.2020. Only in January 2021, the petitioner came to know about the death of the counsel and collected the papers and entrusted them to his present counsel at Chennai. This reason, in my opinion, is not sufficient for condonation of delay of 1337 days.

4.The very revision is attempted to be filed as against an order refusing condonation of delay of 2328 days. For the said delay also, the petitioner has blamed his counsel at Krishnagiri. It is seen that the petitioner is in the habit of blaming Lawyers for his negligence. I therefore, do not find any reason to condone the delay. The original order impugned in this appeal was passed in the year 2005, it is almost 17 years



now. Therefore, these applications for condonation of delay are dismissed. The CMA.Sr.No.87550 of 2021 & CRP.Sr.No.30602 of 2021 will stand rejected. No costs.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

kkn

To-

The Principal District Judge,
Dharmapuri.

+1cc to Mr.A.Ilayaperumal, Advocate, S.R.No.3439

+1cc to Mr.A.Ilayaperumal, Advocate, S.R.No.3438 (29/04/2022)

CMP.Nos.18983 & 17224 of 2021
in
CMA.Sr.No.87550 of 2021
and
CRP.Sr.No.30602 of 2021

SSD(CO)
CT 16/02/2022