



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Thursday, the Seventeenth day of February Two Thousand Twenty Two

PRESENT

THE HON`BLE MR.JUSTICE S.VAIDYANATHAN

and

THE HON`BLE MR.JUSTICE MOHAMMED SHAFFIQ

CMP.No.19239 of 2021

in M.P.No.1 of 2015

and WA.SR.No.16037 of 2015

1 THE DIRECTOR OF STATIONERY AND PRINTING, [PETITIONERS]
O/O THE DIRECTOR OF STATIONERY AND PRINTING,
110, ANNA SALAI, CHENNAI 600 002.

2 THE JOINT DIRECTOR OF STATIONERY AND PRINTING,
O/O THE DIRECTOR OF STATIONERY AND PRINTING,
110, ANNA SALAI, CHENNAI 600 002.

Vs

V.SAMPATH [RESPONDENT]
S/O.VENKATESAN, 28, PERUMAL MUDALI STREET,
ANNA SALAI, CHENNAI 600 002.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 1009 days in filing the restoration petition against the order dated 09.06.2017 made in WA.Sr.No.16037/2015 (in CMP.No.19239 of 2021).

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.U.M.RAVICHANDRAN, State Government Pleader for the petitioners and of MR.R.PREM NARAYAN, Advocate for the Respondent, the court made the following order:-

This Civil Miscellaneous Petition has been filed, to condone the delay of 1009 days in filing the restoration petition against the order dated 09.06.2017 made in W.A.Sr.No.16037 of 2015.



2. This Court, by an order dated 09.06.2017 directed the petitioners/proposed appellants to pay a sum of Rs.2,000/- (Rupees Two Thousand Only) to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras within a week, as there was a delay of 1048 days at that time. According to the respondent herein, the order dated 09.06.2017, condoning the said delay, subject to payment of Rs.2,000/- was passed in the open Court in the presence of the learned counsel appearing for the appellants and the appellant ought to have paid the amount within 7 days, but there was a delay for more than 20 days. Hence the application filed for condonation of 1009 days in filing the restoration petition has got to be rejected, even though the amount has been deposited.

3. Per contra, the learned counsel for the petitioners/proposed appellants submitted that the order copy was made ready and communicated to the party on 28.06.2017 and on the very next day, namely 29.06.2017, the amount of Rs.2,000/- has been remitted to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras as per the order of this Court and hence there is no delay at all.

4. In the petition filed to condone the delay of 1009 days in filing the restoration petition, there is no reason given in the affidavit and from the reading of paragraph No.15 onwards in the affidavit dated 28.10.2021, there is a bereft of particulars. It has been stated by the proposed appellant that though the amount has been paid by the petitioner as per the order of this Court within 7 days from the date of receipt of a copy of the order, the respondent inadvertently failed to file a restoration petition in W.A.Sr.No.16037 of 2015. As there is a delay of 1009 days in filing the application, the delay is condoned on condition that the petitioners / proposed appellants pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the respondent herein within a period of 15 working days from the date of receipt of a copy of this order. This Court makes it very clear that if the amount is not paid, the restoration petition stands automatically dismissed and there is no need for the Registry to list the matter before this Court, as the original order passed by this Court becomes final.

5. Accordingly this Civil Miscellaneous Petition is ordered on the above terms.

-sd/-

17/02/2022

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.



TO

1 THE DIRECTOR OF STATIONERIES AND PRINTING,
O/O.THE DIRECTOR OF STATIONERY AND PRINTING,
110, ANNA SALAI, CHENNAI-600 002.

2 THE JOINT DIRECTOR OF STATIONERIES AND PRINTING,
O/O.THE DIRECTOR OF STATIONERIES AND PRINTING,
110, ANNA SALAI, CHENNAI 60 002.

COPY TO

THE TAMIL NADU MEDIATION AND CONCILIATION CENTRE,
HIGH COURT, MADRAS-104.

Order

in
CMP.No.19239 of 2021

in M.P.No.1 of 2015

and WA.SR.No.16037 of 2015

Date :17/02/2022

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