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C.R.P.(NPD) No.3099 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2022

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THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

C.R.P.(NPD) No.3099 of 2017

V.Ubaidullah

... Petitioner

Vs

1.The Deputy Registrar of
Co-Op. Societies (Housing)
Coimbatore.

2.The President
The Tiruppur Taluk Co-Op. Housing Society
Tiruppur.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decree dated 21.04.2016 made by the learned Principal District Judge, Coimbatore in I.A.No.1081 of 2015 in C.M.A.CFR.No.19074 of 2015.

For Petitioner : Mr.P.S.Kothandaraman

For Respondents : Dr.S.Suriya
Additional Government Pleader



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ORDER

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It is represented that costs had been paid and costs had been received by both the respondents.

2. A memo had also been filed by the learned counsel for the revision petitioner, affirming the payment of costs of Rs.500/-, in which, there is also endorsements by both the learned counsel for the respondents that they had received the said costs.

3. Revision petition itself had arisen, owing to the fact that there was a delay of 58 days in filing C.M.A.CFR.No.19074 of 2015 and to condone such delay in I.A.No.1081 of 2015 had been filed. The said appeal had been filed under Section 87(1) of the Tamil Nadu Co-operative Societies Act.

4. The learned Principal District Judge, Coimbatore, had passed an order, directing the payment of Rs.500/- to the District Legal Service Authority, Coimbatore as pre-condition to condone the said delay of 58 days. However, the costs was not paid. Therefore, I.A.No.1081 of 2015



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had been dismissed. Questioning such dismissal, the present Revision Petition has been filed. In the Revision Petition, holding that it is only appropriate that opportunity is granted to the parties to advance arguments in the Civil Miscellaneous Appeal, this Court had directed that the said costs of Rs.500/- has to be paid to both the respondents and there has been a memo filed as aforesaid, indicating payment of the costs and also receipt of the costs.

5. In view of that particular fact, I would allow the Revision Petition, and condone the delay of 58 days in filing the Civil Miscellaneous Appeal in C.M.A.CFR.No.19074 of 2015, which consequentially means that I.A.No.1081 of 2015 is allowed and would direct the District Court, Coimbatore, to number C.M.A.CFR.No.19074 of 2015, if it is otherwise in order and proceed further in manner known to law.

6. Hence, the Revision Petition stands allowed. No costs.

13.04.2022

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Index : Yes / No

Speaking Order : Yes / No

To

- 1.The Deputy Registrar of
Co-Op. Societies (Housing)
Coimbatore.
- 2.The President
The Tiruppur Taluk Co-Op. Housing Society
Tiruppur.



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C.V.KARTHIKEYAN,J.

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