



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.4281 of 2022

G.John Rose

... Petitioner

/Vs./

1. Karungal Town Housing Society,
Represented by its Secretary (In charge)
P.M.Vino, S/o.Balasundaram,
TNVHSG-55,
Karungal Post,
Kanyakumari District.
 2. The Regional Deputy Registrar of Cooperative
Societies (Housing),
Arbitrator Tribunal Under Tamil Nadu Cooperative Societies Act,
Thirunelveli,
Thiurnelveli District.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to decide petitioner's set aside application of the year 2016 as per law in a time bound manner.

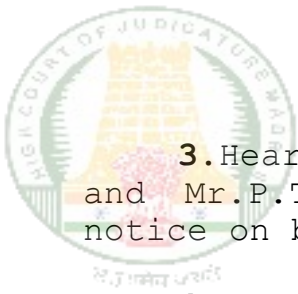
For Petitioner : Mr.K.Thenrajan

For Respondents : Mr.P.Thilak Kumar
Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the second respondent to decide the petitioner's application seeking to set aside the exparte award dated 08.07.2016 passed by the second respondent in the claim made by the first respondent against the petitioner.

2.According to the petitioner, immediately after coming to know that an exparte award dated 08.07.2016 has been passed against him, he filed an application within a period of thirty days to set aside the exparte award in the year 2016. However, according to him, the said application is kept pending, has not been numbered and taken up for enquiry. In such circumstances, he has filed this writ petition.



3. Heard Mr.K.Thenrajan, learned Counsel for the writ petitioner and Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents.

4.No prejudice would be caused to the respondents, if the petitioner's application seeking to set aside the exparte award dated 08.07.2016 passed by the second respondent on the claim made by the first respondent against the petitioner is considered on merits and in accordance with law, after affording a fair hearing to the petitioner, the first respondent and other necessary parties, whom the second respondent deems fit to enquire.

5.It is not in dispute that the application filed by the petitioner seeking to set aside the exparte award was filed in the year 2016. Though the learned Government Pleader appearing for the respondents would submit that subsequently another application has been filed by the petitioner in the year 2020, the learned counsel appearing for the petitioner submits that the petitioner did not file any second application, but only sent a reminder letter to the second respondent.

6.Accordingly, this Court directs the second respondent to number the application filed by the petitioner seeking to set aside the exparte award dated 08.07.2016 passed by the second respondent against the petitioner on the claim made by the first respondent, take it on file and pass final orders on the said application, after affording a fair hearing to the petitioner, the first respondent and other necessary parties, whom the second respondent deems fit to enquire.

7.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

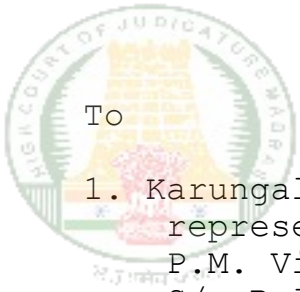
Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar(CS)

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To

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+1 CC to M/s.K.THENRAJAN, Advocate (SR-12235[F] dated 15/03/2022)

order made in
W.P. [MD]No.4281 of 2022
15.03.2022

PKP/28.03.2022/3P/4C