



C.M.P.(MD)No.12037 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.M.P.(MD)No.12037 of 2022

in

W.A.(MD)SR.No.61885 of 2022

Valli

... Petitioner / Appellant

-Vs-

1.Bose (Treasurer of Agriculture Association)

2.The Assistant Executive Engineer,

Tamilnadu Generation and Distribution

Corporation (TANGEDCO),

Maravamangalam, Sivagangai District.

... Respondents / Respondents

PRAYER in C.M.P.(MD)No.12037 of 2022: Petition filed under Section 5 of Limitation Act, praying this Court to condone the delay of 30 days in filing the Writ Appeal against the Writ Petition in W.P.(MD)No.2509 of 2021, dated 01.08.2022.

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PRAYER in W.A.(MD)SR.No.61885 of 2022: Appeal filed under Clause 15 of the Letters Patent, praying this Court to set aside the order dated 01.08.2022 made in W.P.(MD)No.2509 of 2021.

For Petitioner : Mr.P.R.Boomee Rajan

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Civil Miscellaneous Petition is filed to condone the delay of 30 days in filing the above Writ Appeal.

2.The aforesaid Writ Appeal is filed against the order of this Court dated 01.08.2022 made in W.P.(MD)No.2509 of 2021 on the ground that the petitioner, who is the 2nd respondent in the Writ Petition, has not been served with any notice and without giving any opportunity of hearing to the petitioner, the said Writ Petition was allowed.

3.On perusal of the order passed in the Writ Petition, the Writ Court recorded that even though notice has been served to the 2nd respondent and her

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Therefore, the stand taken by the petitioner in the Writ Appeal is contrary to the statement recorded in the Writ Petition. Hence, this petition is liable to be dismissed. Accordingly, this Civil Miscellaneous Petition stands dismissed, however, with liberty to the petitioner to file a Review Application before the learned Single Judge for appropriate relief. No costs. Consequently, W.A.(MD)SR.No.61885 of 2022 is rejected at the SR stage itself.

[D.K.K., J.] & [R.V., J.]

08.12.2022

Index : Yes / No

Internet : Yes / No

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D.KRISHNAKUMAR, J.

AND

R.VIJAYAKUMAR, J.

Myr

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