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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2023

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.653 of 2023

M.Ravi

.. Petitioner

Vs.

1.The Secretary to the Government
(Commercial Taxes Department)
Appellate Authority under the Chit Funds Act,
Fort St.George,
Chennai – 600 009.

2.The Sub-Registrar of Chits / Sole – Arbitrator,
Cuddalore – 607 002.

3.M/s.Jayapriya Chit Funds (P) Ltd.,
Rep.by its Foreman Karthikeyan,
Raja Archade, RBL Bank Opposite,
Alagapuram,
Salem District.

4.R.Vigneshwaran,

5.P.Azhakesan

6.M.Jeganathan

7.J.Selvarasu

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to dispose the appeal filed by the petitioner in Case No.7311G2020 dated 20.09.2020 under Section 70 of the Chit Funds Act, 1982, within stipulated time fixed by this Court.

For Petitioner .. Mr.K.Sathish Kumar

For Respondents .. Mr.U.Bharanidharan,
Additional Government Pleader

ORDER

This Writ Petition has been filed in the nature of Mandamus seeking a direction to the 1st respondent to dispose of an appeal filed by the petitioner in Case No.7311G2020 dated 20.09.2020 which had been filed under Section 70 of the Chit Funds Act, 1982.

2.The petitioner had participated in a chit, which was floated by the 3rd respondent / Jayapriya Chit Funds (P) Ltd., at Salem District. Thereafter, in view of the fact that he had not repaid the amount, arbitration proceedings had been initiated and an award had been passed by the 2nd



respondent on 22.01.2019. The petitioner again did not pay the amount under the award, necessitating filing of an execution petition in R.E.P.No.163 of 2019 on 12.11.2019 before the Principal District Court, Salem. The petitioner had received notice in the execution petition and thereafter had filed an appeal before the 1st respondent on 20.09.2020.

3.The petitioner has filed the appeal beyond the prescribed period of limitation. If he has sufficient causes to explain the reasons for delay, then he should file an application seeking condonation of delay.

4. Let the petitioner first file that particular application to condone the delay before the 1st respondent and if that application is filed, let the 1st respondent consider whether the delay can be condoned or not and thereafter, pass appropriate orders in Case.No.7311G2020, which had been filed by the petitioner on 20.09.2020.

5.This is an issue under the exclusive jurisdiction of the 1st respondent and the 1st respondent has to discharge such duty as a quasi judicial authority and it would only be inappropriate on the part of this Court to thrust its view on the said matter.



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6. Let the petitioner file necessary application to condone the delay in filing the appeal before the 1st respondent. If the petitioner files such application on or before 31.01.2023, the said application can be taken on record. If it filed after the said date, it need not be taken on record. If the application is taken on record, the same may be disposed of by the 1st respondent on or before 28.02.2023 and thereafter, pass appropriate orders in Case.No.7311G2020.

7. With the above observations, this Writ Petition stands disposed of.

No costs.

10.01.2023

Index: Yes/No

Internet: Yes/No

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To
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C.V.KARTHIKEYAN,J.

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