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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.10480 of 2009 and
M.P.No.1 of 2009

Sindhu .. Petitioner

vs

1. The Secretary to Government
   Commercial Taxes and Registration Department
   Secretariat, Chennai – 9.

2. The Presiding Officer
   Chit Fund Court
   District Registrar Office
   Coimbatore.

3. Shriram Chits Tamil Nadu (P) Ltd.
   198, T.V.Samy Road
   R.S.Puram
   Coimbatore – 641 007.

4. S.Manokaran
5. K.Selvaraj
6. N.Thangaraj .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records culminating in Letter No.6880/G/2009-1 dated 01.06.2009 on the file of the Secretary to Government, Commercial Taxes and Registration Department, Secretariat, Chennai – 9, quash the same.

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For Petitioner : Mr.C.V.Vijayakumar
for Mr.T.R.Rajaraman

For Respondents : R1, R2 & R3 Court
R4 & R5 No appearance

R6 no such person

ORDER

The order dated 01.06.2009 passed by the first respondent rejecting the appeal filed by the writ petitioner under Section 7 of the Chit Funds Act, 1982 is under challenge in the present writ petition.

2. The petitioner is a subscriber of a chit in the third respondent chit fund company. He committed default in payment of the subscription and actions were initiated by the third respondent to recover the chit amount from the petitioner. The arbitrator passed an award and challenging the said award, the petitioner has not preferred an appeal within the time limit contemplated under the Chit Funds Act.

3. The respondents initiated execution proceedings and after the initiation of execution proceedings, the petitioner preferred an appeal under Section 70 of the Chit Funds Act. The appeal was filed with the delay of 1842 days. The first respondent / Government rejected the

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condone delay petition on the ground that there is no valid reason put forth by the petitioner for condoning the huge delay of 1842 days.

4. Filing an appeal within the time limit prescribed is the Rule. Condonation of delay is an exemption. Law of limitation being substantive, the delay is to be condoned only if the reasons are acceptable. Uncondonable delay cannot be condoned in a routine manner by the competent authorities. The reason must be supported with documents and reasons and a mechanical approach in this regard would cause prejudice to the other parties.

5. In the present case, the petitioner slept over the matter for about six years. Only after the institution of execution proceedings, the petitioner has chosen to file an appeal under Section 7 of the Chit Funds Act. Thus, the first respondent rejected the appeal on the ground that the petitioner has not given any valid reason for the purpose of condoning the delay of 1842 days. This being the reasons stated in the impugned order, this Court do not find any acceptable reasons for the purpose of interfering with the order.

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6. Thus, the writ petition is devoid of merits and stands dismissed. There will be no order as to costs. Consequently, the connected miscellaneous petition is also closed.

Index : Yes/No **20.04.2023**
Neutral Citation : Yes/No

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To:

1. The Secretary to Government
   Commercial Taxes and Registration Department
   Secretariat, Chennai – 9.

2. The Presiding Officer
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   Coimbatore.

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S.M. SUBRAMANIAM, J.

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W.P.No.10480 of 2009

20.04.2023