



C.M.P.No.14491 of 2022 in W.A.SR No.66903 of 2022

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WEB COUNTER THE HON'BLE ACTING CHIEF JUSTICE
and
K.KUMARESH BABU, J.

C.M.P.No.14491 of 2022 has been filed to condone the delay of 63 days in filing the appeal, against the order dated 28.03.2022 passed in Writ Petition No.6655 of 2022 by the learned single Judge.

2. Learned counsel appearing for the petitioner submitted that when the writ petition was filed by the first respondent-Trust challenging the order dated 29.11.2021 passed by the Joint Sub Registrar-I, Tindivanam, it is stated that the learned single Judge has disposed of the writ petition without giving notice to the petitioner herein, who was arrayed as the third respondent in the writ petition. Secondly, the case of the first respondent/writ petitioner before the learned single Judge would show that when they presented the supplementary deed and the lease deed before the second respondent therein for registration, the second respondent directed the first respondent-Trust to obtain an order from the civil Court and only then, the deeds can be entertained and registration can be made. Since the learned Special Government Pleader appearing on behalf of the official respondents made a



C.M.P.No.14491 of 2022 in W.A.SR No.66903 of 2022

statement that the Trust had neither presented the supplementary deed nor the lease deed for registration, if the aforementioned deeds are presented, they are ready to register the same, for which the writ petitioner agreed to present the aforementioned deeds. On that basis the writ petition was disposed of without giving notice or chance to the petitioner herein to put forth his case. As the petitioner came to know about the order passed in the writ petition thereafter, within a shortest period of time, the appeal has been filed on 29.06.2022 and in the meanwhile, the delay of 63 days has occurred. Therefore, the delay is neither wilful nor wanton, but only due to the bona fide reasons stated above, he pleaded.

3. Heard Mr.P.Dinesh Kumar, learned counsel appearing for the first respondent and Mr.P.Muthukumar, learned State Government Pleader appearing for the respondents 2 & 3.

4. We also find merits on the submissions made by the learned counsel appearing for the petitioner. The writ petition was disposed of, on the limited issue, while entertaining the case for admission, on 28.03.2022. Therefore, no notice was given to the petitioner, although he was arrayed as the third



C.M.P.No.14491 of 2022 in W.A.SR No.66903 of 2022

respondent in the writ petition. Since no notice was issued, the petitioner was unaware of the order, as a result the aforementioned delay has occurred.

Accepting the sufficient cause, the delay stands condoned and the civil miscellaneous petition is ordered accordingly.

Registry is directed to number the writ appeal, if it is otherwise in order, and post the same for admission on 30.01.2023. Registry shall also print the name of Mr.P.Dinesh Kumar, learned counsel appearing for the first respondent and Mr.P.Muthukumar, learned State Government Pleader for the respondents 2 & 3 in the cause list.

(T.R.,A.C.J.) (K.B.,J.)

10.01.2023

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