



C.M.A.(MD) SR No.12389 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2023

CORAM:

**THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE R.SUBRAMANIAN**

**C.M.P.(MD) No.5355 of 2023
in
C.M.A.(MD) SR No.12389 of 2022
and
C.M.A.(MD) SR No.12389 of 2022**

The Project Director
National Highways No.45E & 220
National Highways Authority of India
Plot No.3, Suriya Towers
2nd Floor, 1st East Street
K.K.Nagar (Near Muthuvelrajan Hospital)
Madurai-20
Presently at Plot No.1, Aishwaryam Heights
Indira Nagar
Sennamanaickenpatti (PO)
Thadikombu Road
Dindigul-624 004

... Petitioner

-VS-

1.B.Thavamani



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2.The Special District Revenue Officer
Competent Authority for Land Acquisition
(National Highways 45E & 220)
Collectorate Buildings
Theni

... Respondents

PRAYER (in C.M.P.(MD) No.5355 of 2023): Civil miscellaneous petition filed under Section 49 of the Code of Civil Procedure to condone the delay of 371 days in paying the deficit court fee of Rs.98,500/- in C.M.A.(MD) SR No.12389 of 2022.

PRAYER (in C.M.A.(MD) SR No.12389 of 2022): Civil Miscellaneous Appeal filed under Section 37(1) & (2) of Arbitration & Conciliation Act, 1996 to set aside the order, dated 16.08.2021, passed in Arbitration O.P.No.61 of 2017, by the Principal District Judge, Theni.

For Petitioner : Mr.SU.Srinivasan

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R2



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ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

This civil miscellaneous petition is filed for condoning the delay of 371 days in paying the deficit Court fee of Rs.98,500/-.

2. The delay is more than one year. The petitioner is none else than the Project Director of the National Highways Authority. The sole reason assigned is that since 150 appeals were filed and the clerk, who was looking after the matter, met with an accident. The delay in sanctioning for payment of Court fee is also cited as a reason. We do not think that the reasons assigned in the affidavit could be deemed as sufficient to condone such huge delay of 371 days. Hence, the civil miscellaneous petition is dismissed. Consequently, C.M.A.(MD) SR No.12389 of 2022 is rejected.

[T.R., A.C.J.] [R.S.M., J.]

26.04.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.The Principal District Judge,
Theni.
- 2.The Special District Revenue Officer,
Competent Authority for Land Acquisition,
(National Highways 45E & 220),
Collectorate Buildings,
Theni.
- 3.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.M.A.(MD) SR No.12389 of 2022

T.RAJA, A.C.J.
and
R.SUBRAMANIAN, J.

krk

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in
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and
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