



CMP(MD) No.4780 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)
Monday, the Seventeenth day of July Two Thousand and Twenty Three
PRESENT
The Hon`ble Mr.Justice C. KUMARAPPAN
CMP(MD) No.4780 of 2023
IN
CRP(MD) No.883 of 2017

KARUNAKARAN

... Petitioner / Petitioner

Vs

THE DEPUTY REGISTRAR OF COOP
ERATIVE SOCIETY,
NO.56, KAMATCHIAMMAN KOVIL STREET,
ARANTHANGI,
PUDUKOTTAI DISTRICT.

... Respondent / Respondent

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 189 days in filing the said Restoration petition.

Prayer in CRP(MD) No.883 of 2017:

To set aside the order passed on 09.06.2014 made in CMA (CS) No.3 of 2007 in Na.Ka.No.9343/2006/B1 on the file of Court of Principal District Judge, Pudukkottai.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of



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M/S.S.BALA KARTHICK, Advocate for the petitioner and of Mr.M.SENTHIL
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AYYANAR, Government Advocate on behalf of the Respondent, the court made the
following order:-

Heard both side counsel.

2. The instant application has been filed to condone the delay of 189 days in
filing the restoration application to restore the above said Civil Revision Petition.

3. The learned counsel appearing for the petitioner would submit that the
reason for delay is illness of the counsel on record, and he would further submit that
due to the illness, the counsel on record could not contact the client as he was out of
station, therefore, there was a delay in filing the restoration application. Hence,
prayed for condoning the delay.

4. The learned Government Advocate appearing for the respondent strongly
objected this application as the petitioner is liable to pay more than a sum of
Rs.18,00,000/- and he has deliberately delaying the payment. Hence, prayed for
dismissal of the application.



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5.I have given anxious consideration to the submission made by the learned counsel on both sides.

6. Having considered the averments made in the affidavit and also taking into consideration of the delay of 189 days, this Court deem it appropriate to condone the delay as the petitioner wants only an order on merits.

7. In the result, C.M.P(MD)No.4780 of 2023 is allowed and the delay is ordered to be condoned on condition to pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the respondent within a period of four weeks from the date of receipt of a copy of this order, failing which, this petition shall stand dismissed automatically without further reference to the order of this Court.

sd/-
11/07/2023

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/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AM



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To **மேலாட்சி**

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The Principal District Judge,
Pudukkottai.

+1 CC to M/s.S.BALA KARTHICK, Advocate (SR-10810[I] dated 17/07/2023)

ORDER
IN
CMP(MD) No.4780 of 2023
IN
CRP(MD) No.883 of 2017
Date :17/07/2023

ED/MMS/SAR- (20/07/2023) 4P / 3 C

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