



CMP(MD) No.6151 of 2023

WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)**

Tuesday, the Fifth day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CMP(MD) No.6151 of 2023

IN

SA(MD)SR.No. 37420 of 2022

**THE SPECIAL TAHSILDAR
ADIDHRAVIDAR WELFARE DEPARTMENT,
DINDIGUL.**

... PETITIONER/ APPELLANT

Vs

1 CHELLAMMAL (DIED),

1 MR.KARUPPANA GOUNDER,

2 SAKTHIVEL

3 NEELAVATHI

4 RAJATHI

5 INDHIRANI

... RESPONDENTS/RESPONDENTS

Civil Miscellaneous 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 985 days in filing the above second appeal filed as against the order dated 31-07-2017 in CMA.No. 11 of 2003 on the file of the Principal Sub Court, Dindigul pending disposal of the above second appeal.



CMP(MD) No.6151 of 2023

PRAYER IN SA(MD)SR.No. 37420 of 2022:

Pleased to set aside the Judgment and Decree dated 31.07.2017 passed in CMA No. 11 of 2003 on the file of the Principal Sub Court, Dindigul modifying the proceedings dated 31.12.1997 passed in R.O.C.No. 3488 /97A, Award No. 10/97-98 on the file of the Special Tahsildhar, Adidhravidar welfare Department, Unit 1, Dindigul and allow the appeal.

ORDER : This Civil Miscellaneous 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 MR.N.MUTHUVIJAYAN , Special Government Pleader for the petitioner and the respondents 1 & 3 not appearing either in person or by an advocate and of MR.C.K.M.APPAJI, Advocate for the 2nd Respondent and of MR.M.KARTHIKEYA VENKATACHALAPATHY, Advocate for the Respondents 4 & 5, the court made the following order:-

This Civil Miscellaneous Petition is filed to condone the delay of 985 days in filing the above Second Appeal.

2. It is the submission of the learned counsel for the petitioner that after receipt of the order, the same was forwarded to the Higher Officers for its compliance. Due to various election works and COVID-19, the Revenue Department was entrusted with other works and therefore, there is a delay in filing the above Second Appeal.

3. The learned counsel for the respondents 4 and 5 have no objection for condoning the delay subject to the appellant depositing 50% of the award with solatium interest as ordered by the learned Principal Subordinate Judge, Dindigul.

4. Despite service of notice on respondents 1 and 3 and printing their names in

the cause list, there is no representation for them.

<https://www.mhc.tn.gov.in/judis>



CMP(MD) No.6151 of 2023

WEB COPY

5.Considering the submission of the learned counsel for the petitioner that when the Act provided only 15% of solatium and 6% interest, the learned Principal Subordinate Judge, Dindigul awarded 30% solatium and 9% interest and also considering the reasons stated for the delay in filing the second appeal and having satisfied with that reasons, this petition is allowed on condition that the petitioner deposits 50% of the award amount with interest to the credit of C.M.A.No.11 of 2003 on the file of the Principal Subordinate Judge, Dindigul. On such deposit, Registry is directed to number the appeal, if it is in order and list the matter for admission in the usual course.

sd/-
05/12/2023

/ TRUE COPY /

/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CP

TO

1 THE PRINCIPAL SUBORDINATE JUDGE, DINDIGUL.

2 THE SPECIAL THASILDHAR
ADIDHRAVIDAR WELFARE DEPARTMENT,
UNIT 1 ,DINDIGUL.



CMP(MD) No.6151 of 2023

WEB COPY

COPY TO

- 1 THE SUB ASSISTANT REGISTRAR
AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

- 2 THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CMP(MD) No.6151 of 2023
IN
SA(MD)SR.No. 37420 of 2022
Date :05/12/2023

PKP/VR/SAR- /11.12.2023/ 4P/ 5C
Madurai Bench of Madras High Court is issuing certified
copies in this format from 17/07/2023