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CRP.No.648 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2024

CORAM:

THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

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G.Ramalingam

... Petitioner

Vs

1.The Deputy Registrar of Co-operative Societies
Dharapuram Circle, Dharapuram
Tiruppur District.

2.The President
Dharapuram Primary Agricultural
Co-operative Marketing Society
Tiruppur Road, Dharapuram
Tiruppur District.

... Respondents

Prayer:- Civil Revision Petition filed under Section 117 of CPC praying to set aside the fair and decreetal order dated 08.09.2021 passed in I.A.No.178 of 2021 in CMACFR.No.5207 of 2020 on the file of the Principal District Judge, Tiruppur, Tiruppur District.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.V.Ramesh
Government Advocate for R1
Ms.Ba.Nalini for
Mr.M.S.Palaniswamy for R2



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ORDER

This civil revision petition is filed to set aside the order dated 08.09.2021 passed in I.A.No.178 of 2021 in CMA.CFR.No.5207 of 2020 by the learned Principal District Judge, Tiruppur.

2. The revision petitioner was working as Managing Director cum Special Officer in the second respondent-society. A surcharge proceedings was initiated against him and an order came to be passed by the Deputy Registrar of Co-operative Societies, the first respondent herein, in Na.Ka.No.1169/2013/Sa.Pa. dated 15.05.2015. Challenging the same, an appeal was preferred before the Principal District Court, Tiruppur in CMA.CFR.No.5207 of 2020 with a delay of 2050 days. To condone the delay of 2050 days in preferring an appeal, he filed an application in I.A.No.178 of 2021 in CMACFR.No.5207 of 2020 before the said learned Judge.

3. The learned Judge had passed an order on 31.08.2021 imposing a condition to deposit Rs.2,50,000/- on or before 06.09.2021, failing which



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the condone delay petition will stand dismissed. Thereafter, on 07.09.2021, the petitioner approached this Court in CRP.No.1878 of 2021 challenging the conditional order imposed in I.A.No.178 of 2021 in CMACFR.No.5207 of 2020. This Court vide order dated 08.01.2024, confirmed the order of the Trial Court, and dismissed the revision, however extended the time by four weeks to comply with the condition imposed by the Trial Court. In the meantime, the case was posted before the Trial Court, and the learned trial Judge dismissed the said application holding that the conditional order imposed by him has not been complied with and no stay order had even been obtained by the petitioner from this Court. Aggrieved by the said order, the present revision has been filed.

4. Heard Mr.C.Prakasam, learned counsel for the revision petitioner, Ms.Ba.Nalini, learned Advocate appearing on behalf of Mr.M.S.Palaniswamy for the second respondent and Mr.V.Ramesh, learned Government Advocate for the first respondent.

5.Ms.Nalini, appearing on behalf of Mr.M.S.Palaniswamy, learned counsel for the second respondent would submit that despite the order of this



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Court in CRP.No.1878 of 2021, the amount has not been deposited.

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6. When the main order has been confirmed in CRP.No.1878 of 2021, there are no legs for this revision to stand before me. This order is consequential to the order passed by the learned Single Judge of this Court in CRP.No.1878 of 2021. Hence, I do not find any reason to entertain this revision.

7. To conclude, the civil revision petition stands dismissed. No costs.

29.04.2024

To:

1.The Principal District Judge,
Tiruppur,
Tiruppur District.

2.The Section Officer
VR Section
High Court, Madras.



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V.LAKSHMINARAYANAN,J.,

ds

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