



WEB COPY



CRP.No.2218 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.08.2024

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THE HONOURABLE MS. JUSTICE R.N.MANJULA

CRP.No.2218 of 2023
and
CMP.No.13396 of 2023

V.Rajendran

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Petitioner

/vs/

1. The Deputy Registrar of Cooperative
Societies Villupuram.

2.The Kandamanadi Primary Agricultural
Cooperative Credit Society,
Rep. by its Special Officer/Secretary
Kandamanadi.

...

Respondents

Prayer: Civil Revision Petition has been filed under Article 227 of the Constitution of India to set aside the order dated 02.02.2023 in I.A.No.2 of 2022 in Co.Op.C.M.A.No. of 2022 on the file of the Principal District Judge, Villupuram, award costs.

For Petitioner : Mr.Balan Haridas
For Respondents : Mr.B.Tamil Nidhi, AGP

ORDER



Heard Mr.Balan Haridas, learned counsel for the petitioner and Mr.B.Tamilnidhi, learned Additional Government Pleader for the respondents.

2. This petition has been filed challenging the order of the learned Principal District Judge, Villupuram, dated 02.02.2023 made in I.A.No.2/22 in Co-op.CMA. unnumbered of 2022. The petitioner has filed the interlocutory application just to condone the delay of 1137 days in filing the appeal in CMA against the surcharge order passed against him on 24.01.2019. Though the order was communicated to him on 27.04.2019, the petitioner did not choose to file any appeal within a period of 90 days. Since the petitioner has filed the appeal after the period of limitation expired, he has filed the interlocutory application in I.A.No.20/2022 to condone the delay. The Principal District Judge, Villupuram, has observed that the petitioner did not give any satisfactory explanation for each day's delay, and hence, the inordinate delay of 1137 days cannot be condoned.

3. The learned counsel for the petitioner submitted that the petitioner is only a head clerk, and he is in no way responsible for the surcharge amount.

4. It is learnt that in the criminal proceedings against the petitioners and others. In an application for anticipatory bail, it has been ordered on the observation that the entire amount has been deposited by the first accused therein.

5. Even though the delay is hefty and the petitioner was not vigilant enough



CRP.No.2218 of 2023

in filing an appeal within the prescribed time limit. In view of the submission made by the petitioner that he is not a person in charge of the affairs concerning in the surcharge liability, I feel in the interest of justice an opportunity to be given to the petitioner by condoning the delay and by allowing the petitioner to get his Civil Miscellaneous Appeal number and get it dispose on merits.

6. In view of the above stated reasons, this petition is **allowed** and impugned order dated 02.02.2023 in I.A.No.2 of 2022 in Co.Op. C.M.A.No. of 2022 on the file of the Principal District Judge, Villupuram is set aside, and the unnumbered Co.Op. C.M.A.No. of 2022 can be taken on file if it is otherwise found in order, for hearing, and order has to be passed on merits. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

29.08.2024

Internet : Yes/No
Speaking: Non-Speaking
Neutral: Yes/No
jrs



CRP.No.2218 of 2023

R.N.MANJULA, J.

jrs

To

1. The Deputy Registrar of Cooperative Societies Villupuram.
2. The Kandamanadi Primary Agricultural Cooperative Credit Society,
Rep. by its Special Officer/Secretary
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