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CRP.No.1878 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.1878 of 2021

and

CMP.No.14654 of 2021

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 Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 31.08.2021 passed in IA.No.178 of 2021 in CMACFR.No.5207 of 2020 on the file of the Principal District Judge, Tiruppur, Tiruppur District.



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For Petitioner : Mr.C.Prakasam
For Respondents : Mr.V.Jeevagiridharan for R1
Additional Government Pleader
Mr.M.S.Palaniswamy for R2

ORDER

This Revision Petition is filed challenging the order passed by the Principal District Judge, (Co-operative Tribunal) condoning the delay of 2050 days in filing Co-operative CMA CFR.No.5207 of 2020 on condition that the petitioner depositing a sum of Rs.2,50,000/- to the credit of CMA CFR.No.5207 of 2020.

2. The learned counsel for the petitioner submitted that surcharge order was passed against the petitioner in proceedings initiated under Section 87 of the Tamil Nadu Co-operative Societies Act, even without furnishing the Section 82 enquiry report. Aggrieved by the surcharge order, the petitioner filed the Writ Petition in W.P.No.11781 of 2020 and the same was dismissed by this Court by directing the petitioner to workout his remedy by filing appeal before the Co-operative Tribunal. Therefore, the delay occurred.



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3. A perusal of the typed set of papers would indicate that the surcharge order was passed against the petitioner on 15.05.2015 and the Writ Petition was filed only in the year 2020. Eventhough the petitioner has not given any reason to condone the delay of nearly five years, taking into consideration the observation made by this Court while dismissing the Writ Petition, the Tribunal exercised the discretion in favour of the petitioner and condoned the delay on condition the petitioner shall deposit a sum of Rs.2,50,000/- to the credit of the CMA CSR.No.5207 of 2020. The petitioner has not made out any case for modification of the condition imposed by the Co-operative Tribunal. The Tribunal only directed to deposit the amount and no permission has been given to the respondent to withdraw the said amount

4. In such circumstances, depositing of the amount will not cause any prejudice to the petitioner. I do not find any illegality or irregularity in the order passed by the Court below. Hence, this Civil Revision Petition is dismissed. However, the time is extended by four weeks from today for the petitioner to comply with the impugned order passed by the Court below. In



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case, the petitioner fails to deposit the amount within a period of four weeks,

I.A.No.178 of 2021 filed to condone the delay shall stand automatically dismissed without further reference to this Court. On depositing the amount within the time stipulated, the Co-operative Tribunal is directed to number the CMA. No costs. Consequently, connected Miscellaneous Petition is closed.

08.01.2024

Index : Yes / No
Internet : Yes / No
Neutral Citation Case : Yes/No
dna



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- To**
- 1.The Principal District Judge, Tiruppur, Tiruppur District.
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Tiruppur District.
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S.SOUNTHAR, J.

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