



W.P(MD)No.7282 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7282 of 2024

and

W.M.P.(MD)No.6705 of 2024

1.S.Susila

2.Minor Jeyashanthanu

3.Minor S.Gowshiya

... Petitioners

*(Petitioners 2 and 3 are represented through
their mother and next friend 1st petitioner.)*

Vs.

1.The State Consumer Disputes
Redressal Commission,
District Court Complex,
Madurai - 625 020.

2.The Branch Manager,
Canara Bank,
Periyakulam Branch,
Theni District.

3.The Branch Manager,
United India Insurance Co. Ltd.,
Office at 443, Periyakulam Road,
Theni District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 1st respondent in C.M.P.No.683 of 2023 in A23090013742 dated 09.11.2023, condoning the delay of 297 days in filing the appeal filed by the 2nd respondent and quash the same as illegal without jurisdiction and on the ground of violation of principles of natural justice and consequently dismiss the appeal file in F.A.No.632/2023 on the file of the 1st respondent.

For Petitioners : Mr.R.Aravindan

For Respondents : Mr.D.Gandhiraj,
Spl. Government Pleader for R1.
Mr.C.Karthik,
Standing Counsel for R2 & R3.

ORDER

Heard both sides.

2.The petitioners challenge the impugned order passed by the first respondent / Commission condoning the delay in filing appeal by the second respondent.



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3.It is seen that the petitioners herein filed C.C.No.23 of 2018 before the District Consumer Disputes Redressal Commission, Theni and secured an award in their favour. Challenging the same, the second opposite party / United India Insurance Company Limited filed appeal before the State Commission. It has been numbered as F.A.No.29 of 2023. The Canara Bank filed appeal with delay. The delay was condoned by the impugned order and posted along with F.A.No.29 of 2023.

4.The question that calls for consideration is whether the impugned order has to be interfered with.

5.It is true that the impugned order is virtually non-speaking. But on that ground, interference is not warranted. The bank had filed an elaborate affidavit in support of the condone delay petition. The Commission thought it fit to condone the delay. These are matters of discretion. As rightly pointed out by the learned standing counsel for the bank, when appeal at the instance of the one of the opposite parties is already pending before the Commission, no prejudice will be caused to the petitioner by tagging the appeal filed by the other opposite party. The petitioners have not been prejudiced in the real sense.



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Interference is not warranted and the writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

25.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The State Consumer Disputes
Redressal Commission,
District Court Complex,
Madurai - 625 020.



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G.R.SWAMINATHAN, J.

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