



C.R.P(PD)(MD)No.1614 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P(PD)(MD)No.1614 of 2024

T.Mangaiyarkarasi

... Petitioner/Petitioner/Appellant

VS.

The Deputy Registrar, (Housing),
Madurai Circle,
Having its office at
K.K.Nagar,
Madurai-625 020.

... Respondent/Respondent/Respondent

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Fair and Decreetal order dated 19.01.2024 made in I.A.No.1708 of 2019 in C.M.A[CS]No.20 of 2008 on the file of the learned Principal District Judge, Madurai.

For Petitioner : Mr.V.Maharajan

ORDER

The Civil Revision Petition is filed as against the order dated 19.01.2024 made in I.A.No.1708 of 2019 in C.M.A[CS]No.20 of 2008 on the file of the learned Principal District Judge, Madurai.



C.R.P(PD)(MD)No.1614 of 2024

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2.By the said order, the application filed by the petitioner herein to condone the delay of 1141 days in filing the restoration petition to restore the C.M.A[CS]No.20 of 2008 was dismissed by the trial Court. Long ago, pursuant to an enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, an order of surcharge was passed on 05.11.2007 as against which, the appeal in C.M.A[CS]No.20 of 2008 was filed. When the civil miscellaneous appeal was pending before the Tribunal, it can be seen from the records produced along with this petition itself from page Nos.22 to 31, for about more than 45 hearings, the matter was posted for arguments and the appellant was not present and no steps were taken to argue the matter. Finally, the Tribunal dismissed the civil miscellaneous appeal for default on 08.06.2016. Thereafter, the said interlocutory application was filed in the year 2019 along with the delay of 1141 days.

3.Considering the reasons mentioned in the affidavit filed in support of the application that the petitioner had back pain and was sick, the Tribunal held that the reasons are not sufficient and the petitioner has not explained the delay and dismissed the application. I do not find any



C.R.P(PD)(MD)No.1614 of 2024

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error whatsoever in the order of the Tribunal. As seen above, it is not on the very first occasion and the second occasion, the matter was dismissed for default. Only after adjourning the matter for more than 45 times for arguments, the appeal itself was dismissed for default. When the same was dismissed for default in the year 2016, the said interlocutory application was filed only in the year 2019. Therefore, when the delay is huge and when proper reasons are not mentioned, I am of the view that the Civil Revision Petition lacks merit and is accordingly, dismissed. No costs.

23.07.2024

NCC : Yes / No
sji

To

The Principal District Judge, Madurai.



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C.R.P(PD)(MD)No.1614 of 2024

D.BHARATHA CHAKRAVARTHY, J.

sjj

C.R.P.(PD)(MD)No.1614 of 2024

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