



CMP(MD) No.1663 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Civil Appellate Jurisdiction )  
Wednesday, the Fourth day of September Two Thousand and Twenty Four  
PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN  
and  
The Hon`ble Mr.Justice K.K. RAMAKRISHNAN  
CMP(MD) No.1663 of 2017  
IN  
AS(MD) No.3 of 2015

1 THE GOVERNMENT OF TAMIL NADU  
REP. BY THE SECRETARY TO GOVERNMENT,  
PUBLIC WORKS DEPARTMENT,  
GOVERNMENT OF TAMIL NADU,  
FORT ST. GEORGE, CHENNAI-600 009

2 THE CHIEF ENGINEER  
PUBLIC WORKS DEPARTMENT,  
WATER RESOURCES ORGANISATION,  
PWD CAMPUS, THALLAKULAM,  
MADURAI-625 002.

3 THE SUPERINTENDING ENGINEER  
PUBLIC WORKS DEPARTMENT,  
WATER RESOURCES ORGANISATION,  
PROJECT CIRCLE, PALAYAMKOTTAI,  
TIRUNELVELI.

4 THE EXECUTIVE ENGINEER  
PUBLIC WORKS DEPARTMENT,  
WATER RESOURCES ORGANISATION,  
ADAVINAINARKOVIL RESERVOIR PROJECT DIVISION,  
KUDIYIRUPPU,  
KUTRALAM.

... PETITIONERS/ APPELLANTS

Vs



CMP(MD) No.1663 of 2017

M/S.URC CONSTRUCTION (PRIVATE) LIMITED,  
ERODE,  
REPRESENTED THROUGH ITS VICE PRESIDENT  
D.ELANGO VAN

... RESPONDENT/RESPONDENT

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to set aside and restore the order in C.M.P(MD)No.276 of 2017 in M.P(MD) No.1 of 2015 in A.S (MD) No.3 of 2015 dated 08.02.2017.

Prayer in CMP(MD). 276/ 2017 :

To extend the time limit granted in MP(MD).No.1 of 2015 in AS(MD).No.3 of 2015 dated 20/10/2016 for further period of 3 months time.

Prayer in MP(MD).1/2015 :

To grant stay the Execution of the Decree dated 07.07.2011 made in O.S.No.32 of 2008 on the file of the Principal District Judge, Tirunelveli, pending disposal of the above appeal.

Prayer in AS(MD).3/2015 :

To set aside the Decree and Judgment dated 07.07.2011 made in O.S.No.32 of 2008 on the file of the Learned Principal District Judge, Tirunelveli.

ORDER : This Civil Miscellaneous Petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.M.SARANGAN, Additional Government Pleader for the petitioner and of MR.S.VENKATESH, Advocate on behalf of the Respondent, the court made the following order:-

This petition is filed to set aside the order dated 08.02.2017 passed in C.M.P. (MD)No.276 of 2017 in M.P.(MD)No.1 of 2015 in A.S.(MD)No.3 of 2015 and restore the said petition.

2. The appeal suit is filed by the Government, challenging the Judgment dated

07.07.2011, made in O.S.No.32 of 2008 on the file of the learned Principal District

<https://www.mhc.tn.gov.in/judis>



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Judge, Tirunelveli.

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3. It is seen from the records that this Court, by order dated 20.10.2016, in M.P. (MD)No.1 of 2015 in A.S.(MD)No.3 of 2015, granted an order of interim stay on condition that the petitioners/appellants shall deposit 50% of Rs.1,60,02,645/- to the credit of A.S.(MD)No.3 of 2015 within a period of ten weeks from the date of receipt of a copy of the order. Thereafter, the appellants have filed a petition in C.M.P.(MD) No.276 of 2017 seeking extension of time granted in M.P.(MD)No.1 of 2016 in A.S (MD)No.3 of 2015. When the matter was taken up for consideration on 08.02.2017, there was no representation for the appellants and therefore, the petition in C.M.P. (MD)No.276 of 2017 was dismissed.

4. Today, when the matter is taken up for consideration, the learned Additional Government Pleader appearing for the appellants/petitioners submits that due to administrative reasons, they could not deposit the amount within the stipulated time and now, they have deposited the amount as directed by this Court.

5. The learned counsel appearing for the respondent has filed a counter affidavit and vehemently made its objection.

6. The present appeal is filed by the Government and it is very difficult for them to get sanction for depositing the amount. Therefore, they could not comply with the order of this Court within a stipulated time. However, they have subsequently



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complied with the order of this Court dated 20.10.2016, by depositing the amount.

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Further, no prejudice would be caused to the respondent, if this petition is allowed.

Therefore, this Court is inclined to allow this petition.

**(\*)7. Accordingly, this petition is allowed and the petition in C.M.P.(MD).**

**No.276 of 2017 in M.P.(MD)No.1 of 2015 in A.S.(MD)No.3 of 2015 is restored.**

8. Since the appeal is of the year 2015, the Registry is directed to list the main appeal on 25.09.2024.

sd/-

04/09/2024

**(\*)CORRECTED AS PER THE ORDER OF THIS  
HON'BLE COURT IN CMP(MD)No.1663 OF  
2017 IN AS(MD)No.3 of 2015 dated 25/09/2024.  
LIST THIS CASE ON 26.09.2024.**

/ TRUE COPY /

25/09/2024

Sub-Assistant Registrar (C.S. I / II / III / IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

**TO BE SUBSTITUTED WITH THE ORDER DATED 04/09/2024 ALREADY  
DESPATCHED.**

THE PRINCIPAL DISTRICT JUDGE,  
TIRUNELVELI.

COPY TO

THE SECTION OFFICER,  
JUDICIAL SECTION,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.



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ORDER  
IN  
CMP(MD) No.1663 of 2017  
IN  
AS(MD) No.3 of 2015  
Date :04/09/2024

RS/VR/SAR-(09.09.2024) 5P 3C

**SBN**

**SS/SAR- (25/09/2024) 5P 3C**

Madurai Bench of Madras High Court is issuing  
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