



WEB COPY

CMP NO. 29879



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-01-2025

CORAM

THE HONOURABLE MR JUSTICE S. S. SUNDAR

AND

THE HONOURABLE MR.JUSTICE P. DHANABAL

CMP NO. 29879 of 2024

in

AS SR.NO.49660 of 2018

Pramanathan (died), 1.Thiruvalluvan
S/o.M.Pramanathan, D.No.9, Mohanur Road, Gandhi Nagar
Extension, Kandar School Street, Namakkal District

Appellant(s)

Vs

The Special Tahsildar (LA)
Salem Karur Broad Gauge Railway Line Project, Unit-1, Namakkal and
another

Respondent(s)

Prayer in C.M.P.No.29879 of 2024 : Civil Miscellaneous Petition filed under Section 149 of Code of Civil Procedure to condone the delay of 2198 days in paying the deficit Court Fee of Rs.80,113/- in the appeal in A.S.SR.No.49660 of 2018.

Prayer in A.S.SR.No.49660 of 2018 : Appeal filed under Section 54 of the Land Acquisition Act, 1894, against the judgment and decree dated 28.02.2018 in L.A.O.P.No.195 of 2002 on the file of the Sub-Court, Namakkal.



For Appellant(s):

M/s.S.SENTHIL

For Respondent(s):

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Mr.T.Arun Kumar

Additional Government Pleader for R1

ORDER

(Order of the Court was made by the Hon'ble S.S.Sundar J.)

This petition is filed to condone the delay of 2198 days in paying the deficit Court Fee of Rs.80,113/- in filing the above Appeal.

2.Mr.T.Arun Kumar, learned Additional Government Pleader, takes notice for the 1st respondent.

3.It is unfortunate to notice that the petitioner has filed the petition with an inordinate delay of 2198 days in paying the deficit Court Fee of Rs.80,000/- and odd. The Appeal appears to have been presented originally by paying a meagre sum and it is only now after 6 years, the deficit Court Fee of Rs.80,000/- and odd is paid. Even though there is an inordinate delay, this Court is unable to dismiss the application, taking into consideration the facts on merits. However, the respondent State is entitled atleast to interest for the inordinate delay.



4. Therefore, this petition is ordered on payment of cost of Rs.28,000/- (Rupees Twenty Eight Thousand only) to the respondent State. The petitioner is directed to draw a Demand Draft in favour of the Land Acquisition Officer concerned and hand over the same to the learned Additional Government Pleader appearing for the 1st respondent, within a period of two weeks from the date of receipt of a copy of this order.

(S.S.SUNDAR J.) (P.DHANABAL J.)
07-01-2025

MKN