



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2025

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THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WA Nos. 771 & 775 of 2024

AND

CMP Nos.24881 & 24883 of 2024

1. A.Gurusamy

2. G.Ranjani

Appellant(s)

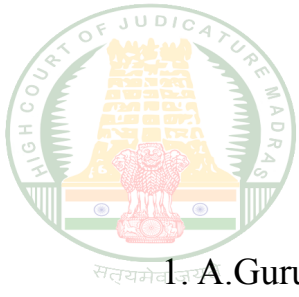
Vs

1. The Government Of Tamilnadu
rep by the Additional Chief Secretary to
Government (FAC) Commercial Taxes
and Registration Department
Secretariat, Chennai 600009

2.The Deputy Registrar of Chits
District Registrar's Office
(Administration) Arbitration Cases,
Erode 638 003.

3.M/s Margadarisi Chits Pvt Ltd.
Rep by Mr.N.Angayya, Formen,
No.352/799, 2nd floor, Brough Road,
Erode 1

Respondent(s)



WA No. 771 of 2024



WA No. 775 of 2024

1. A. Gurusamy

2. G. Ranjani

Appellant(s)

Vs

1. The Government Of Tamilnadu
Rep. by the Additional Chief Secretary
to Government (FAC) Commercial
Taxes and Registration Department
Secretariat, Chennai 600009.

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Rep. by Mr. N. Angayya, Formen,
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Respondent(s)

WA No. 771 of 2024

PRAYER

To set aside the order dated 03.11.2022 made in WP.No.21702 of 2017 passed by this Hon'ble Court by allowing this Writ Appeal and thus render justice.

WA No. 775 of 2024

PRAYER

To set aside the order dated 03.11.2022 made in WP.No.21703 of 2017 passed by this Hon'ble Court by allowing this appeal and thus render justice.



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WA No. 771 of 2024



For Appellant(s): Mr.N. Manoharan (in 2WAs)

For Respondent(s): M/s.T.Chandrasekaran Special
Government Pleader For R1 and
R2 (in 2WAs)
M/s.D.Shivakumaran For R3
(in 2WAs)

COMMON JUDGMENT

(Judgment was delivered by S.M.Subramaniam J.)

The writ appeals have been instituted challenging the common order dated 03.11.2022 passed in W.P.Nos.21702 and 21703 of 2017.

2. The writ appellants are members of chit fund managed by the 3rd respondent, Chit Company. They committed default in payment of chit amount, and the matter was referred for mediation. One of the appellant is the guarantor in the chit. The arbitrator passed an award on 06.05.2013. The appellant preferred an appeal under Section 70 of the Chit Funds Act, 1982 with a delay of 3 years, 7 months and 5 days. The Government rejected the appeal on the ground of delay, which resulted in filing of the writ proceedings. The learned Single Judge is convinced about the Government order rejection the appeal on

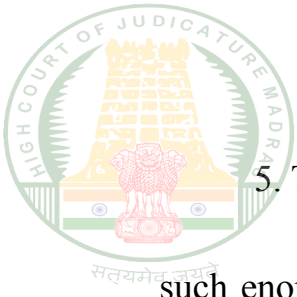


instituted.

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3. The Government verified the original records and found that the notice was sent to all the parties to the arbitral proceedings. The respondents in the arbitral proceedings received notice from the Arbitration Court and acknowledgment for receiving notices were available in the original records.

4. Hearings were conducted by the arbitrator on 21.01.2013, 18.02.2013, 11.03.2013, 18.03.2013, 25.03.2013, 27.03.2013, 15.04.2013 and 06.05.2013. The case was adjourned by the arbitrator on several occasions and finally an award was passed on 06.05.2013. Paper publication was made in respect of the respondents in “Malai Murasu” on 03.05.2013. On the day of final hearing, the respondent did not appear before the arbitrator, and therefore, the arbitrator passed an ex-parte award. The ex-parte award was challenged before the Government under Section 70 of Chit Funds Act with a delay of 3 years, 7 months and 5 days.



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5. The reasons stated by the appellants before the Government to condone such enormous delay were found to be not convincing. This Court do not find any reason to interfere with the order of the Government, as the appellants have slept over their rights and now they cannot wake up and knock the doors of the Court for re-adjudication of the issues, which were concluded long before.

6. Thus, the Writ Appeals stand dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

17-02-2025

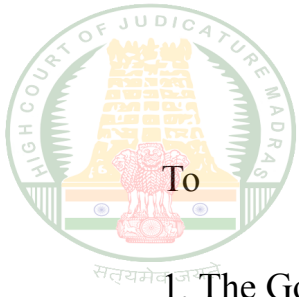
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1. The Government Of Tamilnadu

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WA No. 771 of 2024



**S.M.SUBRAMANIAM
J.
AND
K.RAJASEKAR J.**

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