



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-11-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

A No. 5471 of 2025

AND

A NO. 5472 OF 2025

in ARB O.P(COM.DIV.) SR NO. 179233 OF 2025

1. Souther Railways

Represented by its Principal Chief Engineer / General Manager,
Head Quarters Office,
Park Town, Chennai - 600 003.

Applicant(s)
in both Applications

Vs

1. M/s.Concrete products and Construction Company
Rep. by its Joint Managing Partner,
No.398, Poonamallee High Road,
Kilpauk, Chennai - 600 010.

Respondent(s)
in both Applications

PRAYER in A No. 5471 of 2025 Petition filed under Order XIV Rule 8 of the O.S.Rules, praying to condone the delay of 475 days in representing the case papers in Arb.O.P. vide (ATN20220020290C202400005).



PRAYER in A No. 5472 of 2025 Petition filed under Order XIV Rule 8 of the O.S.Rules, praying to condone the delay of 495 days in paying deficit court fee and to permit the Petitioner to pay the deficit court fees of Rs.95,000/- in Arb.O.P.(ATN20220020290C202400005)

For Applicant(s): Mr.A.R.Sakthivel

ORDER

These applications have been filed to condone the delay of 475 days in representing the case papers and to condone the delay of 495 days in paying the deficit court fee.

2.Heard the learned counsel for the applicant and carefully perused the materials available on record.

3.When the petition was filed, only a sum of Rs.5000/- was paid as Court fee. Thereafter, the deficit Court fees has been paid with a delay of 495 days.

The question is as to whether this period can be condoned by this Court.



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4. The above issue is no longer *res integra* and I have dealt with this issue in A.Nos.4872 & 4874 of 2025 dated 23.10.2025 and the relevant portion is extracted hereunder:

29. All the above judgments make it clear that filing of a petition with deficit Court fee cannot be construed as proper presentation of the petition. If such presentation of the petition has to be regularized, the deficit Court fee must be paid within the limitation period prescribed under Section 34(3) of A and C Act. If the same is not done, the Court is divested of its power to condone the delay in the light of mandate prescribed under Section 34(3) of A and C Act. In other words, improper presentation of the petition by paying deficit Court fee, does not arrest the limitation period prescribed under sub-section (3) of Section 3 of A and C Act, unless the deficit Court fee is paid within the limitation period prescribed in that provision. If the limitation period is crossed, an application filed thereafter to condone the delay in paying the deficit Court fee cannot even be entertained, since it goes beyond the power of the Court which is circumscribed under Section 34(3) of A and C Act.



5. In view of the above, application filed in A.No.5472 of 2025 to condone the delay of 495 days in paying the deficit Court fee is dismissed.

Consequently, A.No.5471 of 2025 also stands dismissed. No Costs.

07-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

SSR



To

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1.Joint Managing Partner,
M/s.Concrete products and construction Company
No.398, Poonamallee High Road,
Kilpauk, Chennai - 600 010.



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A Nos.5471 & 5472 of 2



N.ANAND VENKATESH J.

SSR

**A No. 5471 of 2025
AND A NO. 5472 OF 2025
in ARB O.P(COM.DIV.) SR NO. 179233 OF 2025**

07-11-2025