



WMP(MD). No.1971 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Thursday, the Thirtieth day of January Two Thousand and Twenty Five

PRESENT

The HONOURABLE MR. JUSTICE B.PUGALENDHI

WMP(MD). No.1971 of 2025

IN
WP(MD)No. 13785 of 2017

M.Balasubramaniam

.. Petitioner/petitioner,

Vs

1 The Revision Authority/
Joint Registrar of Cooperative Societies
Dindigul Region Dindigul 624 001.

2 The Dindigul District Central
Co-operative Bank Ltd.
Rep. by its Managing Director,
Cooperative Nagar,
Trichy Road,
Dindigul 624 005.

... Respondent/Respondent

Prayer :-

Writ Miscellaneous Petition filed under Article 226 of the Constitution of India, praying to set-aside the order dated 2.09.2024 (dismissing WP(MD).No. 13785 of 2017 for condition not complied) on the file of this Honble Court and restore the same.

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



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ORDER:- This Writ Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Ms. K. Pandipriya, Advocate for the Petitioner and of Mr. G.V. Vairam Santhosh, Additional Government Pleader for the 1st respondent and Mr. D. Shanmugaraja Sethupathi, Advocate for the 2nd respondent, this Court made the following order:

This writ Miscellaneous Petition is filed to set aside the order passed by this Court in WP(MD)No.13785 of 2017, which was dismissed for non-prosecution on 02.09.2024.

2.The ground taken by the petitioner in this petition is that when the main writ petition was listed for hearing on 29.08.2024, the earlier Counsel for the writ petitioner did not appear before this Court as he was appointed as a Special Government Pleader of this Court. The petitioner is an aged person and therefore he was not able to engage a new counsel immediately and also he could not follow up with the case. Therefore, the learned counsel prays this Court to restore the writ petition to file.

3.The petitioner has filed this writ petition in the year 2017 and it was admitted by an order dated 26.07.2017. Thereafter, when this writ petition was listed for hearing on 02.08.2023, the case was adjourned at the request of the petitioner's counsel. The petitioner did not appear before the Court on 17.08.2023. Therefore, this



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Court directed the Registry to list this case under the caption for dismissal on 31.08.2023. There was no representation even on 31.08.2023. However, in order to provide one more opportunity, this Court has adjourned the matter to 14.09.2023. On 14.09.2023, the learned counsel sought for time and therefore it was adjourned to 04.10.2023. Thereafter, the writ petition was listed on 13.08.2024 and on that day, there was no representation for the petitioner. The case was ordered to be listed on 29.08.2024 and when the writ petition was taken up for hearing on 29.08.2024, a representation was made by the learned counsel that the bundle was returned to the petitioner. Therefore, this Court directed the Registry to print the petitioner's name and posted the matter on 02.09.2024. Even on that day, there was no representation and therefore this Court has dismissed the writ petition for non-prosecution.

4.This Court is not inclined to entertain this petition that sufficient opportunities have been provided to this petitioner to defend his case. However, considering the submission made on behalf of this petitioner, this Court is inclined to allow the restoration application on condition that the present counsel has to argue the main writ petition by today itself. The learned counsel has also agreed for the same.



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5. In view of the above, this writ Miscellaneous Petition is ordered. WP (MD) No.13785 of 2017 is restored to file.

Sd/-

ASSISTANT REGISTRAR (CS-II)

// True Copy //

/03/2025

Sub Assistant Registrar
(CS-I / II / III / IV)

TO

1. The Revision Authority/
Joint Registrar of Cooperative Societies
Dindigul Region Dindigul 624 001.
2. The Dindigul District Centra
L Cooperative Bank Ltd. Rep. by its
Managing Director Cooperative Nagar
Trichy Road Dindigul 624 005.

Copy to:

The Section Officer,
Writ Section,
Madurai Bench of Madras High Court, Madurai



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+1 CC to M/s D. SHANMUGARAJA SETHUPATHI, Advocate (SR-6712[I] dated 30/01/2025)

+1 CC to M/s SPL GOVT PLEADER, Advocate (SR-7095[I] dated 31/01/2025)

ORDER DATED : 30/01/2025

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ORDER

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AS -(17.03.2025) 5P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.