

(2006) 07 MAD CK 0206

In the Madras High Court

Case No : C.R.P. (NPD) No. 923 of 2000

The President, Sathyamangalam Hill Tribes, Multi Purpose Co-operative Society Ltd. Coimbatore Road, Sathyamangalam, Erode District

APPELLANT

Vs

The Deputy Registrar, Co-operative Societies, Erode Circle Veerappan Chathiram, Erode and The Secretary (now designated as General Manager) Periyar District Central Co-operative Bank Ltd. (now changed as Erode District, Central Co-operative Bank Ltd.) Opp. to VOC Park, Erode

RESPONDENT

Date of Decision : 14-07-2006

Acts Referred:

Tamil Nadu Co-operative Societies Act, 1983 — Section 152(3)

Citation : (2006) 07 MAD CK 0206

Hon'ble Judges : S. Rajeswaran, J

Bench : Single Bench

Advocate : B. Kumarasamy, for the Appellant; R. Revathi, Government Advocate, for R1, for the Respondent

Final Decision : Allowed

Judgement

S. Rajeswaran, J.—This revision petition has been filed against the order dated 11.1.2000 passed in I.A. No. 85/98 in C.M.A.CFR No. 1266/98 on the file of the Principal District Court, Erode. The petitioner society in I.A. No. 85/1998 in unnumbered Civil Miscellaneous Appeal is the revision petitioner.

2. I.A. No. 85/1998 has been filed under Sec. 152(3) of the Tamil Nadu Co-operative Societies Act, 1983 by the petitioner society to condone the delay of 288 days in filing the appeal against the award passed by the Deputy Registrar of Cooperative Societies, Erode, dated 29.1.1997 directing the petitioner society to pay a sum of Rs. 59,84,530/-. The Principal District Judge who heard the condone delay petition dismissed the said petition on 11.1.2000 by holding that the reasons given by the petitioner for condoning the delay is not acceptable. Aggrieved by the said order dated 11.1.2000, the petitioner society has filed the

above revision petition.

3. Heard the Learned Counsel for the petitioner and also the learned Government Advocate for the 1st respondent. I have also perused the documents filed in support of their submissions.

4. In any petition filed by the petitioner to condone the delay, there is always bound to be some lapse on the part of the petitioner and the courts have to decide the disputes on merits by way of complete and full adjudication instead of declining the relief's on technicalities. At the same time, the hardship caused to the other side is also to be taken into consideration.

5. Therefore, considering the facts and circumstances of the case, I am inclined to condone the delay of 288 days in filing the appeal by the petitioner society. At the same time, considering the fact that the award suffered by the petitioner society is for a sum of Rs. 59,84,530/- on 29.1.1997 itself, I am inclined to impose a cost of Rs. 10,000/- payable by the petitioner society to the 2nd respondent within a period of 4 weeks from the date of receipt of a copy of this order. It is made clear that on such payment being made, the District Court is directed to number the C.M.A. and dispose of the same on merits within a period of two months thereafter. It is further made clear that if the cost as directed by this Court is not paid within the time stipulated, the revision petition would stand dismissed without any further reference to this Court. With the above direction, this Civil Revision Petition is allowed, setting aside the order of the court below dated 11.1.2000. No costs.