



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 21ST DAY OF JANUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE M.I.ARUN

AND

THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

WRIT APPEAL NO. 100570 OF 2025 (CS-RES)

BETWEEN:

1. GAVISHRI CO-OPERATIVE SOCIETY,
REP. BY ITS PRESIDENT,
SRI. S.R. NAVALI HIEMATH
KUDALASANGAM, TQ. HUNAGUND,
DIST. BAGALAKOT, PIN-587 157.
2. SHIVAPPA MATUR,
MANAGER,
GAVISHRI CO-OPERATIVE SOCIETY,
KUDALASANGAM, TQ. HUNAGUND,
DIST. BAGALAKOT, PIN-587 157.

... APPELLANTS

(BY SRI. ABINANDAN V. HIEMATH, ADVOCATE)

AND:

1. THE DCC BANK LTD.,
DIST. BAGALKOTE.
2. THE JOINT REGISTRAR OF COOPERATIVE SOCIETIES,
DIST. BELAGAVI.

... RESPONDENTS

(BY SRI. JAYAKUMAR S. PATIL, SR. COUNSEL FOR
SRI. I.S. UPPIN, ADVOCATE FOR C/R1;
SRI. SHARAD V. MAGADUM, AGA FOR R2)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA
HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE IMPUGNED
ORDER DATED 08/09/2025 MADE IN W.P. NO.105663/2025 AND
FURTHER ALLOW THE WRIT PETITION AND ETC.



THIS APPEAL IS COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE M.I. ARUN
AND
THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE M.I.ARUN)

1. Aggrieved by the order passed in W.P.
No.105663/2025, the petitioners therein have preferred the
present writ appeal. The impugned order reads as under:

"1. The petitioners are before this Court seeking for
the following reliefs:

- i. Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to implement the order bearing Kra.J.R.L/B/DAP/01/2024-25 dated 09.06.2025 passed by the joint registrar of cooperative societies by granting membership and issuing share certificate to the petitioner with effect from 25.10.2023, vide Annexure C.
- ii. Pass such other or further orders as this Hon'ble Court deems fit to grant in the interest of justice and equity.

2. Learned counsel for respondent No.1 has filed a memo stating that, in terms of resolution No.9



dated 04.07.2025, a certificate of membership has been issued to the petitioners, as evidenced by Annexures R1 and R2 appended to the said memo.

3. Accepting the said memo, the writ petition stands dismissed as having become infructuous, with liberty reserved to the petitioners to challenge the membership certificate and the conditions attached thereto, if they are so advised."

2. Appellant No.1 is a Co-operative Society. Respondent No.1 is a Federal Society to which appellant No.1 applied for membership. Appellant No.1 has been admitted to the membership of the first respondent-Federal Society. However, the dispute pertains only to the date on which appellant No.1 has been admitted as a member.

3. The said dispute was adjudicated by respondent No.2, who by an order dated 09.06.2025, has passed the following order:

ಆದೇಶ

“ಈ ಮೇಲೆ ವಿವರಿಸಿದ ಕಾರಣಗಳಿಂದ ಮೇಲ್ಮನವಿದಾರರು ಕರ್ನಾಟಕ ಸಹಕಾರ ಸಂಘಗಳ ಕಾಯ್ದೆ 1959 ರ ಕಲಂ 105-ಎ ರಡಿ ದಾಖಲಿಸಿದ ಮೇಲ್ಮನವಿಯನ್ನು ಪುರಸ್ಕರಿಸಲಾಗಿದೆ. ಎದುರುದಾರ 'ಬ್ಯಾಂಕ ಮೇಲ್ಮನವಿದಾರ ಸಂಘಕ್ಕೆ ಅವರು ಸಲ್ಲಿಸಿದ ಅರ್ಜಿ ದಿನಾಂಕದಿಂದ ಅನ್ವಯವಾಗುವಂತೆ ಸದಸ್ಯತ್ವ



ನೀಡಿ ನಿಯಮಾನುಸಾರ ಷೇರು ಬಂಡವಾಳ ಹಾಗೂ ಇತರ ಶುಲ್ಕ ಭರಣಾ ಮಾಡಿಕೊಂಡು ಷೇರು ಪ್ರಮಾಣ ಪತ್ರ ನೀಡಲು ಆದೇಶಿಸಿದೆ.

ಈ ಆದೇಶವನ್ನು ಇಂದು ದಿನಾಂಕ: 09/06/2025 ರಂದು ತೆರೆದ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಘೋಷಿಸಲಾಗಿದೆ.”

4. By virtue of the aforesaid order passed by respondent No.2, the appellant became a member of the first respondent–Federal Society with effect from 25.10.2023, the date on which its application was received by Respondent No.1. Aggrieved by the said order, respondent No.1 has preferred an appeal before the Additional Registrar of Co-operative Societies, which is stated to be pending consideration.

5. In the meanwhile, the first respondent has issued a share certificate in favour of the appellant No.1 - Co-Operative Society, indicating that the appellant became its member with effect from 23.07.2025. In the light of the issuance of the said share certificate, the learned Single Judge has passed the order which is impugned in the present appeal.



6. The case of the appellant is that the dispute does not pertain to its membership but only to the date from which it has become a member of the first respondent- Federal Society. It is contended that the impugned order of the learned Single Judge does not clarify the said aspect. Hence, the present writ appeal.

7. It is the contention of the appellant that it has become a member of the first respondent - Federal Society with effect from 25.10.2023, whereas the first respondent claims that the appellant has become a member only with effect from 23.07.2025.

8. Respondent No.2, while adjudicating the dispute, has held that the appellant became a member of the first respondent-Federal Society with effect from 25.10.2023. The said order would prevail over the decision reflected in the share certificate issued by the first respondent, wherein the date of membership is shown as 23.07.2025. However, the first respondent has liberty to challenge the order



passed by respondent No.2 and has, in fact, challenged the same before the Additional Registrar of Co-operative Societies. It is for the jurisdictional Additional Registrar to decide the issue.

9. Till any order is passed by the Additional Registrar of Co-operative Societies, the order passed by respondent No.2 shall prevail. Accordingly, the order passed by the learned Single Judge stands modified in terms of the observations made hereinabove and the writ appeal is **disposed of.**

10. In view of the disposal of the writ appeal, pending interlocutory applications, if any, do not survive for consideration and the same stand disposed of accordingly.

**Sd/-
(M.I.ARUN)
JUDGE**

**Sd/-
(B. MURALIDHARA PAI)
JUDGE**