



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 09TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S. INDIRESH

WRIT PETITION NO.10116 OF 2026 (CS-RES)

BETWEEN:

MR. K.R. CHANDRASHEKAR
S/O LATE RUDRAIAH,
AGED ABOUT 81 YEARS,
R/O KANCHINAKAL DURGA,
DODDAMAGARAHALLI POST,
ALDUR,
CHIKKAMAGALURU-577101.

...PETITIONER

(BY SRI. VINOD GOWDA, ADVOCATE)

AND:

1. VYAVASAYA SEVA SAHAKARA BANK NIYAMITHA
ALDURU TALUK,
CHIKKAMAGALURU - 577 101.
REP. BY ITS MANGAER.
2. THE ASSISTANT REGISTRAR OF
CO-OPERATIVE SOCIETIES
CHIKKAMAGALURU - 577 101.

...RESPONDENTS

(BY SRI. H.K. KENCHEGOWDA, AGA FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO
QUASH THE ORDER DATED 26TH AUGUST, 2017 PASSED BY
THE RESPONDENT NO.2 VIDE ANNEXURE-G AND ALSO ORDER



DATED 18TH SEPTEMBER, 2024 PASSED BY THE KARNATAKA APPELLATE TRIBUNAL IN COP. APPEAL NO.246/2017 VIDE ANNEXURE-J; AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE E.S. INDIRESH

ORAL ORDER

Sri. H.K. Kenchegowda, learned Additional Government Advocate accepts notice for respondent No.2.

2. In this petition, the petitioner is challenging the order dated 26th August, 2017 (Annexure-G) passed by the respondent No.2 and order dated 18th September, 2024 (Annexure-J) passed by the Karnataka Appellate Tribunal in COP. Appeal No.246/2017; *inter alia* sought for direction to the respondent No.1 to return the excess amount of Rs.77,720/- to the petitioner with interest from 15th May, 1998 till date.

3. Heard Sri. Vinod Gowda, learned counsel appearing for the petitioner and Sri. H.K. Kenchegowda, learned Additional Government Advocate appearing for the respondent No.2.



4. Sri. Vinod Gowda, learned counsel appearing for the petitioner contended that, Rs.77,720/- has been credited to the Account of the respondent No.1-Society as per Annexure-A by the then Secretary and therefore, the finding recorded by the respondent No.2 in the impugned order dated 26th August, 2017 (Annexure-G) and 18th September, 2024 (Annexure-J) passed by the Karnataka Appellate Tribunal in COP. Appeal No.246/2017 requires interference in this petition.

5. Sri. H.K. Kenchegowda, learned Additional Government Advocate sought to justify the impugned orders.

6. On consideration the contention raised by learned counsel appearing for the petitioner, the petitioner is disputing the amount of Rs.77,720/- credited to the account of the respondent No.1-Society. This Court in Writ Petition No.32198/2011, disposed of on 06th July, 2012 (Annexure-E), at paragraph No.10, it is held as under:

"10. The authorities below have concurrently held after verifying the records and the evidence placed before them that the disputed amount of Rs.77,720/- was not paid by way of cheque to the Bank, but it was given to the Secretary and that the said amount was indeed credited in



the personal account of N.R. Krishna Murthy as was reflected in the account extract bearing account No.713 standing in the name of N.R. Krishna Murthy. The appellate Tribunal has held in paragraph 14 of the order that this account as was evident from the evidence on record was the private account of the Secretary N.R. Krishna Murthy and that the said amount has not been credited to the account of the Society. Therefore, the contention of the petitioner that the said sum was paid by the respondent towards the discharge of his loan amount could not be believed. The appellate Tribunal has further found that as held by the Assistant Registrar of Co-operative Societies, the petitioner herein had paid a total sum of Rs.3,00,391/- towards the discharge of the loan of Rs.2,80,000/- and therefore question of adjusting or refunding a sum of Rs.77,720/- to the petitioner would not arise."

7. On perusal of the aforesaid finding recorded in the earlier proceedings, this Court, had arrived at a conclusion that, there is no question of adjusting or refunding a sum of Rs.77,720/- to the petitioner as the said amount was credited to the personal account of N.R. Krishna Murthy, the then Secretary of the respondent No.1-Society and further, the same has been considered by the respondent No.2 in the impugned order dated 26th August, 2017 (Annexure-G) and the Karnataka Appellate Tribunal in its order dated 18th September, 2024 (Annexure-J) passed in COP. Appeal No.246/2017. In that



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view of the matter, taking into account the reasons assigned by the Karnataka Appellate Tribunal at paragraphs 13 and 14 of the order dated 18th September, 2024 (Annexure-J), I am of the view that no interference, be called for in this petition. Accordingly, writ petition is ***dismissed.***

**SD/-
(E.S. INDIRESH)
JUDGE**

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List No.: 2 Sl No.: 18