

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

WA.No. 109 of 2008 ( ) IN WP(C).13373/2007

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AGAINST THE JUDGMENT IN WP(C) 13373/2007 DATED 31-07-2007  
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APPELLANT(S)/PETITIONER :-  
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KANJIKAVU KUNJIKRISHNAN  
AGED 69 YEARS, S/O IMBICHAN, ANITHA NIVAS  
NADUVANNOOR P.O., KOZHIKODE.

BY ADVS.SRI.K.MOHANAKANNAN  
SMT.A.R.PRAVITHA  
SMT.RASHMI RAVINDRAN

RESPONDENT(S)/RESPONDENTS :-  
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1. THE DISTRICT REGISTRAR OF SOCIETIES (GENERAL),  
KOZHIKODE, P.O.KOZHIKODE.
2. N.K.VISWANATHAN NAIR,  
AARATHI NIVAS, P.O.KUNNATHARA, VIA. KOILANDY.

R2 BY ADV. SRI.B.UNNIKRISHNA KAIMAL

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 22-07-  
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

**ASHOK BHUSHAN, C.J &  
A.M. SHAFFIQUE, J.**

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**W.A. No.109 of 2008**  
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**Dated this the 22<sup>nd</sup> day of July 2015**

**J U D G M E N T**

**Ashok Bhushan, CJ**

Heard the learned counsel for the appellant as well as the learned Government Pleader.

2. This writ appeal has been filed against the common judgment dated 31.7.2007 in W.P.(C) Nos.23210 & 13373 of 2007. In W.P.(C) No.13373 of 2007, the petitioner has challenged the order, Ext.P11 dated 10.4.2007, issued by the first respondent. Ext.P11 was issued after submitting the list by the appellant as well as the 2<sup>nd</sup> respondent regarding the members of the registered society. Although the Registrar did not register any of the list submitted by the petitioner as well as the 2<sup>nd</sup> respondent, it was observed that in any event defect is cured by the 2<sup>nd</sup> respondent, his list shall be considered. The list which was submitted in the year 2007 was for a committee, which tenure was only for a period of three years.

3. Two writ petitions were filed by the petitioner as W.P.(C) Nos.23210 of 2007 and 13373 of 2007. The learned Single Judge had closed W.P.(C) No.13373 of 2007 giving liberty to the petitioner to recourse remedy available to him under law. W.P.(C) No.13373 of 2007 was the writ petition, where, the order of the Registrar Societies was under challenge.

4. It is submitted by the learned counsel for the appellant that a suit has been filed in the year 2010 before the civil court. Since the tenure of the list, which was submitted before the Registrar in the year 2007 has come to an end and the parties have already filed a suit, we are of the view that nothing survives in this writ petition to be decided with regard to the list which was submitted in the year 2007. In so far as W.P.(C) No.23210 of 2007 is concerned, the learned Single Judge has disposed of the writ petition with a direction to take decision on Ext.P8. The said writ petition having been disposed of with the aforesaid direction, we do not find any ground to interfere with the said direction. In this writ appeal, no grounds have been made out to interfere with the judgment

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dated 31.7.2007. It is further observed that a civil suit having been filed by the petitioners in the year 2010 as noted above, it goes without saying that the civil suit shall be decided untrammelled by any of the observations made by the learned Single Judge.

With the above observations, this writ appeal is dismissed.

**Sd/-  
ASHOK BHUSHAN  
CHIEF JUSTICE**

**Sd/-  
A.M. SHAFFIQUE  
JUDGE**

//TRUE COPY//

P.A. TO JUDGE

Jvt