

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

RPNo. 1124 of 2015 (T)

THE JUDGMENT IN WP(C).NO.2152/2014 DATED 12/10/2015.

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REVIEW PETITIONER/RESPONDENT NO.6 IN WRIT PETITION:

**THE PULIYOORVANCHI VADAKKU KSHEEROLPADAKA
SAHAKARANA SANGHAM, Q 128 D APCOS ,
THAZHAVA. P.O, KARUNAGAPPALLY, KOLLAM-690 523,
REPRESENTED BY ITS SECRETARY, B. RADHAMANIAMMA.**

**BY ADVS.SRI.M.V.BOSE,
SRI.VINOD MADHAVAN,
SMT.NISHA BOSE.**

RESPONDENTS/WRIT PETITIONER & RESPONDENTS 1 TO 5 & 7 IN WRIT PETITION:

- 1. G. SUKUMARIAMMA,
W/O.L. SANKARAN KUTTY, SANKARALAYAM, MUZHANGODI,
THODIYUR. P.O, KARUNAGAPPALLY, KOLLAM DISTRICT.**
- 2. THE DIRECTOR,
DAIRY DEVELOPMENT DEPARTMENT, PATTOM. P.O.,
THIRUVANANTHAPURAM-695 001.**
- 3. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (AUDIT),
THIRUVANANTHAPURAM REGION CO-OPERATIVE MILK
PRODUCERS UNION, KSHEERA BHAVAN ,
PATTOM. P.O, THIRUVANANTHAPURAM-695 001.**
- 4. THE DEPUTY DIRECTOR,
DIARY DEVELOPMENT DEPARTMENT,
KOLLAM, KOLLAM DISTRICT, PIN-691 001.**
- 5. THE DIARY EXTENSION OFFICER,
DIARY EXTENSION OFFICE, KARUNAGAPPALLY,
KOLLAM-695 518.**
- 6. THE BOARD OF DIRECTORS OF THE
PULIYOORVANCHI VADAKKU KSHEEROLPADAKA
SAHAKARANA SANGHAM Q 128 D, APCOS,
REPRESENTED BY ITS PRESIDENT, THAZHAVA. P.O.,
KARUNAGAPPALLY, KOLLAM-690 523.**

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**7. THE KERALA STATE CO-OPERATIVE EMPLOYEES PENSION BOARD,
REPRESENTED BY ITS SECRETARY, P.B. NO.85, KALA NIVAS
CHINMAYA LANE, KUNNUMPURAM,
THIRUVANANTHAPURAM-695 001.**

R1 BY ADVS. SRI.V.G.ARUN,

SRI.T.R.HARIKUMAR.

R2 TO R5 BY SRI.P. VIJAYARAGHAVAN, STATE ATTORNEY.

R7 BY ADV. SRI.K.R.SUNIL, SC.

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 04-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

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APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE A1 COPY OF THE ORDER AUDIT CERTIFICATE NO.832/2008-09
DATED 30/09/2015 ISSUED BY THE KERALA STATE CO-OPERATIVE
DEPARTMENT.**

**ANNEXURE A1A COPY OF THE ORDER AUDIT CERTIFICATE NO.832/2009-10
ISSUED BY THE KERALA STATE CO-OPERATIVE DEPARTMENT.**

**ANNEXURE A2 COPY OF THE NOTICE DATED 11/11/2015 ISSUED BY THE
SOCIETY TO THE WRIT PETITIONER.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.M.SHAFFIQUE, J

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R.P.No.1124 of 2015
in W.P.C.No.2152 of 2014

Dated this the 4th day of December 2015

ORDER

This review petition has been filed seeking to review the judgment dated 12/10/2015 in W.P.C.No.2152/2014 by which this Court had disposed of the writ petition by issuing certain directions.

2. It is stated by the learned counsel for the respondent that if the amount of DCRG is paid, they will not be in a position to recover the liability from the petitioner.

3. It is trite law that no attachment or recovery can be made from DCRG unless it ceases to have its character.

4. It is stated by the learned counsel for the review petitioner that they have already initiated proceedings before the Arbitration court for recovering the amount.

5. Be that as it may, the liability to pay DCRG cannot be kept in abeyance during the pendency of the arbitration

cases before the concerned Arbitrator. Under such circumstances, I do not think that any grounds are made out to review the judgment and accordingly this review petition is dismissed.

(sd/-)

(A.M.SHAFIQUE, JUDGE)

jsr