

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

WP(C).No. 24796 of 2015 (Y)

AGAINST THE JUDGMENT IN APPEAL 34/2015 of KERALA CO-OP. TRIBUNAL,
THIRUVANANTHAPURAM, DATED 15-07-2015

PETITIONER : -

THE SECRETARY,
KUMARAPURAM KSHEEROLPADAKA CO-OPERATIVE SOCIETY LTD.,
NO.A.48(D), THAMMALLACKAL P.O., ALAPPUZHA DISTRICT.

BY ADVS.SRI.K.S.HARIHARAPUTHRAN
SRI.M.D.SASIKUMARAN
SRI.GEORGE MATHEW
SRI.SUNIL KUMAR A.G
SRI.DIPU JAMES

RESPONDENTS:-

1. DEPUTY DIRECTOR OF DAIRY DEVELOPMENT,
CIVIL STATION, ALAPPUZHA - 688 001.
2. DAIRY EXTENSION OFFICER & ARBITRATOR,
DAIRY EXTENSION SERVICE UNIT-III, HARIPAD BLOCK,
HARIPAD P.O., ALAPPUZHA - 688 065.
3. THE KERALA CO-OPERATIVE TRIBUNAL,
NANDANAN TOWERS, T.C.NO.14/2057(1), VANROSS JUNCTION,
UNIVERSITY P.O., THIRUVANANTHAPURAM - 695 034
REPRESENTED BY ITS SECRETARY.
4. SIVADASAN, AGED 65 YEARS,
S/O.DAMODARAN, VARICKOLIL HOUSE,
THAMMALLACKAL SOUTH MURI, THAMMALLACKAL P.O.,
KUMARAPURAM VILLAGE, ALAPPUZHA DISTRICT - 688 516.

R4 BY ADV.SRI.P.SREEKUMAR
R4 BY ADV.SRI.S.GANESH
BY GOVERNMENT PLEADER SRI. G. GOPAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
15-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 24796 of 2015 (Y)

APPENDIX

PETITIONER'S EXHIBITS : -

EXHIBIT P1 : TRUE COPY OF AWARD DATED 15.06.2013 IN A.R.C.NO.02 OF 2010
OF 2ND RESPONDENT ALONG WITH ENGLISH TRANSLATION.

EXHIBIT P2 : TRUE COPY OF JUDGMENT DATED 15.07.2015 IN APPEAL NO.34 OF
2015 OF 3RD RESPONDENT.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 24796 of 2015

Dated this the 15th day of October, 2015

JUDGMENT

The fourth respondent having deposited an amount of Rs.25,000/- in 1995 with a maturity period of five years, in the course of time, demanded the petitioner Society for repayment. As can be seen from the record, the Society rejected the claim on the ground that the then Secretary of the Society, who accepted the deposit, had done it unauthorizedly and that he committed financial irregularities on a large scale.

2. Aggrieved, the fourth respondent approached the Arbitration Court and obtained an award for recovery of the amount. The efforts of the petitioner Society before the statutory Tribunal in Appeal No.34/2015 bore no fruit as the learned Tribunal dismissed the appeal through Exhibit P2 judgment. Under these circumstances, the Society has come before this Court.

3. The learned counsel for the petitioner Society has initially contended that the petitioner has no liability towards the fourth respondent. In the end, he has, however,

submitted that the petitioner Society is able to pay the amount if six months' time is given, especially in view of its financial conditions.

4. The learned counsel for the fourth respondent has agreed for the said proposal, provided the petitioner pays the money along with the cost imposed by the Appellate Tribunal in Exhibit P2 judgment.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned counsel for the fourth respondent, this Court, without adverting to the merits of the matter, disposes of the present writ petition granting six months' time to the petitioner Society to comply with Exhibit P2 judgment.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-