

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

WP(C).No. 27193 of 2015 (Y)

PETITIONERS : -

1. T.S.SHIBU, AGED 48 YEARS,
S/O.K.K.SUKUMARAN,
AISWARYA HOUSE, CHETHIMATTOM,
PALA, KOTTAYAM.
2. ASWATHY A.S., AGED 20 YEARS,
D/O.T.S.SHIBU, AISWARYA HOUSE,
CHETHIMATTOM, PALA, KOTTAYAM.
3. ANJU A.P., AGED 41 YEARS,
W/O.T.S.SHIBU, AISWARYA HOUSE,
CHETHIMATTOM, PALA, KOTTAYAM.
4. GEORGE EMMANUEL @ GEORGEKUTTY EMMANUEL,
AGED 43 YEARS, S/O.EMMANUEL,
MANGATTU HOUSE, POONJAR P.O., KOTTAYAM.
5. LINI GEORGE @ LINI.P.LUKE, AGED 39 YEARS,
W/O.GEORGE EMMANUEL @ GEORGEKUTTY EMMANUEL,
MANGATTU HOUSE, POONJAR P.O., KOTTAYAM.
6. SOY.P.JACOB, AGED 50 YEARS,
S/O.JACOB, PULLIYURUMBIL HOUSE, POOVARANY P.O.,
POOVARANYVILLAGE, MEENACHIL TALUK, KOTTAYAM.
7. SALIAMMA SOY, AGED 50 YEARS,
W/O.SOY.P.JACOB, PULLIYURUMBIL HOUSE, POOVARANY P.O.,
POOVARANYVILLAGE, MEENACHIL TALUK, KOTTAYAM.
8. OLIVYA SOY, AGED 18 YEARS,
D/O.SOY.P.JACOB, PULLIYURUMBIL HOUSE, POOVARANY P.O.,
POOVARANYVILLAGE, MEENACHIL TALUK, KOTTAYAM.
9. KESYA SOY (MINOR), AGED 14 YEARS,
REPRESENTED BY MOTHER, SALIAMMA SOY,
PULLIYURUMBIL HOUSE, POOVARANY P.O., POOVARANY VILLAGE,
MEENACHIL TALUK, KOTTAYAM.

10. ELIZABETH SOY @ JEFYASOY (MINOR), AGED 9 YEARS,
REPRESENTED BY MOTHER, SALIAMMA SOY,
PULLIYURUMBIL HOUSE, POOVARANY P.O., POOVARANY VILLAGE,
MEENACHIL TALUK, KOTTAYAM.
11. SWAPNAMANI, AGED 21 YEARS,
PULLIYURUMBIL HOUSE, POOVARANY P.O., POOVARANY VILLAGE,
MEENACHIL TALUK, KOTTAYAM.
12. JOHNY JOSEPH, AGED 53 YEARS,
S/O.JOSEPH, KARIYANKAL HOUSE, MARYLAND P.O.,
KADANADU VILLAGE, MEENACHIL TALUK, KOTTAYAM.
13. VARKEY KURUVILA @ V.V.KURUVILA, AGED 93 YEARS,
S/O.VARKEY, VADAKKEMURIYIL HOUSE,
ANJOOTTIMANGALAM P.O., PLASSANAL,
THALAPALAM VILLAGE, KOTTAYAM.
14. ALEKUTTY KURUVILLA, AGED 89 YEARS,
W/O.V.V.KURUVILLA, VADAKKEMURIYIL HOUSE,
ANJOOTTIMANGALAM P.O., PLASSANAL,
THALAPALAM VILLAGE, KOTTAYAM.
15. RIYA KURUVILLA, AGED 18 YEARS,
D/O.SOMY KURUVILLA, VADAKKEMURIYIL HOUSE,
ANJOOTTIMANGALAM P.O., PLASSANAL,
THALAPALAM VILLAGE, KOTTAYAM.
16. MINI SOMY, AGED 43 YEARS,
W/O.SOMY KURUVILA, VADAKKEMURIYIL HOUSE,
ANJOOTTIMANGALAM P.O., PLASSANAL,
THALAPALAM VILLAGE, KOTTAYAM.
17. SOMY KURUVILLA @ V.K.KURUVILLA, AGED 52 YEARS,
S/O.VARKEY KURUVILLA @ V.K.KURUVILLA,
VADAKKEMURIYIL HOUSE, ANJOOTTIMANGALAM P.O., PLASSANAL,
THALAPALAM VILLAGE, KOTTAYAM.

BY ADV.SRI.S.NIDHEESH

RESPONDENTS:-

1. THE STATE OF KERALA REPRESENTED BY THE SECRETARY TO
GOVERNMENT, DEPARTMENT OF CO-OPERATION,
GOVERNMENT SECRETARIAT, TRIVANDRUM - 695 001.
2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
TRIVANDRUM - 695 001.

3. THE JOINT REGISTRAR (GENERAL) OF CO-OPERATIVE SOCIETIES,
CIVIL STATION, KOTTAYAM - 686 002.

4. THE PALA MARKETING CO-OPERATIVE SOCIETY LTD.NO.4214,
MEENACHIL TALUK, PALA P.O., KOTTAYAM,
REPRESENTED BY THE MANAGING DIRECTOR, PIN - 686 070.

ADDL.5. THE MANAGING COMMITTEE,
PALA MARKETING CO-OPERATIVE SOCIETY LTD.NO.4214,
MEENACHIL TALUK, PALA PO., KOTTAYAM,
REPRESENTED BY THE SECRETARY,PIN - 686 575.

(ADDL.R5 IS IMPEADED AS PER ORDER DATED 12.11.2015 IN IA 16293/15)

R4 BY ADV.SRI.SUNIL CYRIAC
R4 BY ADV.SMT.MABLE.C.KURIAN
BY GOVERNMENT PLEADER SRI. G. GOPAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
08-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 27193 of 2015 (Y)

APPENDIX

PETITIONERS' EXHIBITS : -

EXHIBIT P1 : TRUE COPY OF THE AUDIT CERTIFICATE DATED 29.09.2014.

EXHIBIT P1(a) : TRANSLATED COPY OF THE AUDIT CERTIFICATE DATED
29.09.2014.

EXHIBIT P2 : TRUE COPY OF THE PETITION FILED U/S 32 OF THE CO-OPERATIVE
SOCIETIES ACT BEFORE THE 3RD RESPONDENT DATED 19.08.2015.

EXHIBIT P3 : TRUE COPY OF THE QUICK VERIFICATION REPORT DATED
11.11.2015.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 27193 of 2015

Dated this the 08th day of December, 2015

JUDGMENT

The petitioners have filed the writ petition seeking among other things a direction to the respondents to repay their deposits along with interest.

2. In response to the submissions made by the learned counsel for the petitioners, the learned counsel for the fourth respondent has submitted that the petitioners have already filed ARC for the same relief.

3. This Court cannot appreciate parallel judicial proceedings before different fora on the same cause of action.

4. In my considered opinion, the learned Arbitrator is competent to take a comprehensive view of the matter and render justice. Further, he is empowered to issue suitable interim directions as well, if the petitioners seek any.

In the facts and circumstances, the writ petition is dismissed. No order as to costs.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-