

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

WP(C).No. 35173 of 2014 (V)

PETITIONER(S):

PRATHAP.P., AGED 33 YEARS,
SREEVIHAR, T.D.EAST ROAD, MATTANCHERRY
KOCHI-682002.

BY ADV. SRI.P.P.JACOB

RESPONDENT(S):

1. MATTANCHERRY MAHAJANIK CO-OPERATIVE URBANK BANK LTD. 665
PALLIARAKKAVU ROAD, KOCHI-682002
REPRESENTED BY ITS GENERAL MANAGER.
2. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (G)
ERNAKULAM, CIVIL STATION, B-2 BLOCK
5TH FLOOR, KAKKANADU, KOCHI-682030.
3. THE SECRETARY TO GOVERNMENT
CO-OPERATION (C) DEPARTMENT, SECRETARIAT
THIRUVNANTHAPURAM, PIN 695001.
4. M.ARAVINDAKSHAN NAIR
S/O.GOPALAN NAIR, BUILDING NO.6/275, NEAR C.T.O.
ANAVATHIL, KOCHI-682002.
5. B.S.RAMESH
10/201, J.D.NORTH STREET, FORT KOCHI-682001.
6. URUSULA LENIN
KALIYATH HOUSE, 17/1204, MUNDAMVELI
KOCHI-682007.

R4-R6 BY ADV. SRI.GEORGE POONTHOTTAM
R BY GOVERNMENT PLEADER SRI.D.SOMASUNDARAM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
14-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: TRUE PHOTOCOPY OF THE ORDER DATED 8.7.2014 ISSUED BY THE
JOINT REGISTRAR, ERNAKULAM.

EXHIBIT-P2: TRUE PHOTOCOPY OF THE JUDGMENT IN W.A.1550/2014 DATED
19.11.2014.

EXHIBIT-P3: TRUE PHOTOCOPY OF THE REPRESENTATION FILED BY MEMBERS OF
THE FIRST RESPONDENT BEFORE THE SECOND RESPONDENT DATED
10.6.2014.

EXHIBIT-P4: TRUE PHOTOCOPY OF THE ORDER ISSUED BY THE SECOND
RESPONDENT DATED 19.6.2008.

EXHIBIT-P5: TRUE PHOTOCOPY OF THE ORDER ISSUED BY THE SECOND
RESPONDENT DATED 14.5.2009.

EXHIBIT-P6: TRUE PHOTOCOPY OF THE PETITION FILED BY THE PETITIONER BEFORE
THE INFORMATION OFFICER ATTACHED TO THE SECOND RESPONDENT
DATED 6.12.2014.

EXHIBIT-P7: TRUE PHOTOCOPY OF THE ORDER ISSUED BY THE THIRD RESPONDENT
DATED 17.12.2014.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.35173 of 2014

Dated this the 14th day of January, 2015

J U D G M E N T

Ext.P7 interim order passed in an appeal pending with the third respondent is impugned in this writ petition. The appeal is purportedly under Section 83 of the Kerala Co-operative Societies Act, 1969. It appears that the appeal has been filed against an order of surcharge passed under Section 68 of the Kerala Co-operative Societies Act, 1969 against the members of the managing committee. The petitioner is none other than a member of the first respondent Co-operative Bank and disputes the very maintainability of the appeal and Ext.P7 interim order therein.

2. It would be appropriate to permit the petitioner to get himself impleaded in the appeal pending with the third respondent wherein Ext.P7 interim order is passed. The petitioner is also free to urge his contentions before the third respondent about the maintainability of the appeal and also the correctness of the order surcharging the members of the managing committee of the Bank. It is unnecessary to consider the correctness of Ext.P7 interim order when

the appeal wherein it is passed is itself pending consideration with the third respondent.

3. I direct the third respondent to pass final orders on the appeal within a period of six weeks from the date of production of this judgment after hearing the petitioner also in case an application for impleading is filed on his behalf within two weeks.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.