

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

WP(C).No. 39563 of 2015 (U)

PETITIONER : -

THE KADUTHURUTHY CO-OPERATIVE HOSPITAL LTD. No. K 379,  
KADUTHURUTHY P.O., KOTTAYAM - 686 604,  
REPRESENTED BY ITS MANAGER.

BY ADV. SMT. M.M. DEEPA

RESPONDENTS : -

1. THE KADUTHURUTHY CO-OPERATIVE RUBBER MARKETING  
& PROCESSING SOCIETY LTD. No. 1397,  
KADUTHURUTHY P.O., KOTTAYAM - 686 604,  
REPRESENTED BY ITS MANAGER.
2. THE BOARD OF MANAGEMENT OF THE KADUTHURUTHY  
CO-OPERATIVE RUBBER MARKETING & PROCESSING SOCIETY  
LTD No. 1397, KADUTHURUTHY P.O., KOTTAYAM - 686 604,  
REPRESENTED BY ITS PRESIDENT.
3. THE JOINT REGISTRAR (GENERAL) OF CO-OPERATIVE SOCIETIES,  
CIVIL STATION, KOTTAYAM - 686 001.

BY SR. GOVERNMENT PLEADER SRI. JOSEPH GEORGE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
23-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**APPENDIX**

**PETITIONER'S EXHIBITS :**

EXHIBIT P1 : TRUE COPY OF THE FD No. 179/13-14 DATED 17.10.2013.

EXHIBIT P2 : TRUE COPY OF THE FD No. 180/13-14 DATED 17.10.2013.

EXHIBIT P3 : TRUE COPY OF THE FD No. 181/13-14 DATED 17.10.2013.

EXHIBIT P4 : TRUE COPY OF THE FD No. 182/13-14 DATED 17.10.2013.

EXHIBIT P5 : TRUE COPY OF THE FD No. 189/13-14 DATED 21.10.2013.

EXHIBIT P6 : TRUE COPY OF THE LETTER DATED 20.11.2014 SENT BY THE  
PETITIONER TO THE 1<sup>st</sup> RESPONDENT WITH TRANSLATION.

EXHIBIT P7 : TRUE COPY OF THE LETTER DATED 30.06.2015 ISSUED BY THE  
PETITIONER TO THE 1<sup>st</sup> RESPONDENT WITH TRANSLATION.

EXHIBIT P8 : TRUE COPY OF THE REPRESENTATION DATED 05.12.2015 SENT  
BY THE PETITIONER TO THE 3<sup>rd</sup> RESPONDENT WITH  
TRANSLATION.

EXHIBIT P9 : TRUE COPY OF THE JUDGMENT DATED 20.05.2015 IN WP (C) No.  
488 OF 2015 OF THIS HONOURABLE COURT.

**RESPONDENTS' EXHIBITS :** NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

**DAMA SESHADRI NAIDU, J.**

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**W.P.(c) No. 39563 of 2015**  
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Dated this the 23<sup>rd</sup> day of December, 2015

**JUDGMENT**

The petitioner, a Society, deposited an amount of about Rs.43,00,000/- with the first respondent Society, as is evident from Exhibits P1 to P5 fixed deposit receipts. On the maturity of the amount, the petitioner Society demanded for repayment of the amount along with interest at 13.5% per annum, which is the agreed rate of interest.

2. Though two years have elapsed, the first respondent Society has not chosen to repay. Under those circumstances, the petitioner is said to have submitted Exhibit P8 representation before the third respondent, who is yet to consider it. Seeking its expeditious consideration, the petitioner has approached this Court.

3. In response to the submissions made by the learned counsel for the petitioner, the learned counsel for respondents 1 and 2 has submitted that the third respondent may consider the petitioner's Exhibit P8 representation after affording an opportunity of hearing to the Administrative Committee of the first respondent.

In the facts and circumstances, having regard to the submissions of the learned counsel for the petitioner and the learned counsel for 1<sup>st</sup> and 2<sup>nd</sup> respondents, this Court, without expressing any opinion on the merits of the matter, disposes of the present writ petition with a direction to the third respondent to consider Exhibit P8 representation of the petitioner in accordance with law, after providing an opportunity of hearing to the Administrative Committee of the first respondent as well, and pass appropriate orders thereon as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment. No order as to costs.

**DAMA SESHADRI NAIDU**  
**JUDGE**

DMR/-