



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 07.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

C.R.P (MD) No.2613 of 2015 (PD)

and

M.P. (MD) .No.1 of 2015

P.Radhakrishnan

.. Petitioner/Appellant/
Petitioner/Respondent/
Judgment Debtor

Vs.

A.142-1337, Srivilliputhur
Co-operative Urban Bank Limited
North Car Street,
Srivilliputhur,
Virudhunagar District.

.. Respondent/Respondent/
Respondent/Petitioner/
Action Purchaser

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned Co-operative Appellate Tribunal, Principal District Judge, Srivilliputhur to number the Civil Miscellaneous Appeal (CS) in C.M.A.(CS).No.... of 2015 filed in SR No.2786 on the file of the Co-operative Appellate Tribunal Principal District Judge, Srivilliputhur by allowing this civil revision petition.

For Petitioners : Mr.K.Sudalaiyandi

ORDER

Heard Mr.K.Sudalaiyandi, learned counsel appearing for the revision petitioner.

2.This revision is filed as against the order of rejection dated 26.10.2015 on the file of the Co-operative Appellate Tribunal (Principal District Judge), Srivilliputhur.

3.The order dated 26.10.2015 is extracted as under:

"Retd

How this appeal is maintainable to state. File along with authorities. Hence, ret'd time one month."

The unnumbered Civil Miscellaneous Appeal (CS) seems to have been filed before the Co-operative Appellate Tribunal (Principal District Judge) Srivilliputhur, challenging the order of Co-operative Registrar dated 02.07.2015 and thereafter the execution application



filed by the petitioner to set aside the sale of his immovable property dated 22.05.2015, was rejected. Against which, he has preferred an unnumbered Civil Miscellaneous Appeal (CS) in C.M.A. (CS).No..... of 2015 before the Co-operative Appellate Tribunal (Principal District Judge), Srivilliputhur.

4.It appears from the records that on 04.09.2015, the said appeal was returned for the compliance of the following defects:

"(1)Order passed dated 04.04.2015 by the Deputy Registrar, SVR to be filed.

(2)Necessary document to be filed.

(3)Blanks to be filled up

(4)Corrections to be attested."

One month time was given for compliance.

5.Again, the said appeal was represented on 05.10.2015. Again, it was returned on 07.10.2015 for compliance of the following defects:

"(1)As per document dated 17.04.2015 the appeal is filed in time to be stated.

(2)Section 5 petition to be filed."

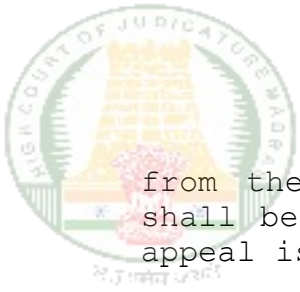
6.The appeal was represented with the following endorsement on 16.10.2015:

"The sale was concluded on 22.05.2015 as per Section 128 of Co-operative Societies Act. Application to set aside the sale was preferred before the Registrar. The same was rejected on 02.07.2015. Hence, the cause of action arose only on 02.07.2015. As per Section 152 of Co-operative Societies Act. This appeal presented before the Appellate Authority within 60 days as prescribed. Hence, it is prayed that the same may be taken on file."

7.Again the said appeal was returned on 26.10.2015 with the following query, "How this appeal is maintainable to state file along with authorities. Hence, returned time for one month". The order of returned alone has been challenged in this revision.

8.It is obvious to note here that the revision itself is not maintainable because, the petitioner ought to have represented the appeal after due compliance of the defects. It is for the petitioner to state before the Appellate Tribunal as to how this appeal is maintainable and in this connection, he ought to have produced certain judicial pronouncements and without doing so, simply he has approached this Court under Article 227 of the Constitution of India only seeking to exercise the supervisory jurisdiction of the Court.

9.This Court has perused the grounds of revision. Having been taken into consideration of the related facts and circumstances, this civil revision is dismissed with a direction to the petitioner to represent the unnumbered Civil Miscellaneous Appeal (CS) before the Co-operative Appellate Tribunal (Principal District Judge) Srivilliputhur, after answering the query within a period of one week



from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently, connected miscellaneous appeal is also closed.

Sd/-

Assistant Registrar (Per.Admn.)

/True Copy/

Sub Assistant Registrar

To

1.The Co-operative Appellate Tribunal,
Principal District Judge,
Srivilliputhur.

2. The Deputy Registrar of Co-operative Societies,
Srivilliputhur.

Copy to : The Section Officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.K.SUDALAIYANDI, Advocate Sr.No.69905

AKM/07.12.15/3P-5C/JGB/DP/SAR-I

C.R.P (MD) No.2613 of 2015 (PD)
07.12.2015