

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7910 of 2008

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Date: 22.12.2015

Between:

Kaya Ramulu,
Karimnagar District.

.... Petitioner

And

The Deputy Registrar of Cooperative Societies,
Peddapally, Karimnagar District, and others.

... Respondents

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THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7910 of 2008

ORDER:

The order dated 23.06.2006 passed by the Andhra Pradesh Cooperative Tribunal (for short 'the Tribunal') at Warangal, in O.P.No.54 of 2006, is questioned in the writ petition.

Though the petitioner stated various aspects with regard to the loan transaction in the affidavit filed in support of the writ petition, it is his principal contention that he did not borrow any amount from the respondent-society and in fact, he is not even a member of the respondent-society. According to the petitioner, he is an illiterate person and he had borrowed some amount from one Sri R. Madhava Rao and repaid the same to him. However, the Tribunal has passed the impugned *ex parte* order without issuing any notice to him. Hence, the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Cooperation.

Though the second respondent – society has been served, none appeared on its behalf and no counter affidavit is filed denying the averments made in the writ affidavit. Hence, the contention of the petitioner that he was never served with a notice by the Tribunal stands uncontroverted.

The learned Government Pleader for Cooperation, on instructions, admits that the award passed by the Tribunal is an *ex parte* award.

In those circumstances, the *ex parte* award dated 23.06.2006 passed by the Tribunal in O.A.No.54 of 2006 is set aside and the writ petition is allowed. However, the Tribunal is at liberty to proceed with the matter after putting the parties on notice and pass orders in the O.P within a period of six months from the date of receipt of a copy of this order.

The learned counsel for the petitioner submits that no notice is required to be served on the petitioner in the O.P since his client would verify with the Tribunal with regard to the date of hearing and participate in the proceedings.

The Miscellaneous Petitions filed in this Writ Petition shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Date: 22.12.2015

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