

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 26563 of 2019

ORDER:

In this writ petition, petitioners challenge the judgment dated 13.09.2019 passed by the Cooperative Tribunal at Hyderabad in CTA No.25 of 2018 and consequential order, dated 04.10.2019 dismissing RP (SR) No.939 of 2019 filed to review the order, dated 13.09.2019.

The Tribunal dismissed the above-stated CTA on merits, as if the counsel for the petitioners was heard, however, even as per the counsel for the respondents, the counsel for the petitioners was not present on that date. In the impugned judgment, the Tribunal observed that the Appeal was taken up on the directions issued by this Court on earlier occasions to dispose it of expeditiously. I.A.No.132 of 2019 filed by the petitioners on 16.08.2019 seeking to adjourn the hearing of the Appeal by four weeks was also dismissed without adverting to any of the grounds mentioned therefor. Further, yet another irregularity in dismissing I.A.No.132 of 2019 is that the order was passed by the Chairman without there being any other Member present. It may be noted that the Tribunal consists of two Members, one is Judicial and the other is Administrative.

Though learned counsel for respondent No.5 vehemently submits that the conduct of the petitioners in seeking adjournments on earlier occasions and further, in not making alternative arrangement for engaging another counsel on account of the alleged sickness of the counsel for the petitioners, even after dismissal of I.A.No.132 of 2019, it is a case of violation of principles of natural

justice, for this Court is satisfied with reasons stated in the said Application. In that view of the matter, the delay caused on earlier occasions even assuming to be attributed to the petitioners, cannot be a reason to deny the fair opportunity citing the earlier conduct of the petitioners or their counsel.

In those circumstances, the writ petition is allowed and the impugned judgment is set aside.

As both the learned counsel are ready to proceed with the matter, particularly, in view of the assertion of the learned counsel for the petitioners that he would not seek any adjournment and he would appear before the Tribunal on the day fixed by this Court and also considering the fact that the Chairman will conduct the proceedings only on Fridays, with the consent of learned counsel for both the parties, the date for hearing of the appeal is fixed as 13.12.2019 by making it clear that under no circumstances, the Tribunal shall grant adjournments to either of the parties and complete the hearing of the Appeal and pass orders on merits.

Miscellaneous Petitions, if any pending, shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:02.12.2019

Note: Issue cc tomorrow.

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