

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRP(NPD) No.3081 of 2016

and

CMP No.553 of 2017

A.Saraswathi
W/o.Late K.R.Aruchamy

... Petitioner/Appellant / Revision Petitioner

Vs.

1.The Deputy Registrar of Coop. Societies
Coimbatore Circle, Coimbatore - 641 018

... Respondent / Respondent

2. No.K.3210 Theethipalayam Primary
Agricultural Cooperative Credit Society Ltd.,
Rep. by its President Management
Theethipalayam
Coimbatore District

.... Petitioner / Respondents / Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to call for records relating to the Judgment and Decree made in Coop.C.M.A.No.99 of 2010 dated 06.07.2016 on the file of the Principal District Judge / Tribunal for Cooperative Cases at Coimbatore, thereby dismissing the Appeal, confirming the order of Surcharge passed by the 1st respondent/ Deputy Registrar of Cooperative Societies, Coimbatore made in Ma.Vee.Thi.Thee.No.3/97-98/Sa.pa.1 dated 29.12.2009 and set aside the same.

For Petitioner : Mr.K.Premkumar
For Respondent-1 : Mr.A.Edwin Prabakar
Special Government Pleader (Coop)
For Respondent-2 : Mr.M.S.Palaniswamy

ORDER

(This case has been heard through video conference)

This revision petition has been filed seeking to set aside the Judgment and Decree made in Coop.C.M.A.No.99 of 2010 dated 06.07.2016 passed by the learned Principal District Judge / Tribunal for Cooperative Cases, Coimbatore, confirming the order of Surcharge passed by the 1st respondent/ Deputy Registrar of Cooperative Societies, Coimbatore, made in Ma.Vee.Tha.Thee.No.3/97-98/Sa.pa.1 dated 29.12.2009

2. During the earlier hearing, it was represented by the learned Counsel for the petitioner that the petitioner was willing and ready to settle the matter out of Court and that she is prepared to pay an amount of Rs.6 lakhs as full and final settlement towards the surcharge claim.

3. Based on the submission, an affidavit of undertaking has been filed today before this Court offering to settle the amount of Rs.6 lakhs and the learned Counsel would submit that if time of 12 weeks is given, the petitioner will be able to settle the amount.

4. The learned Counsel for the respondents/Society would submit that the claim pertains to the year 1992 and that the petitioner may be directed to settle the amount at the earliest.

5. The relevant paragraphs of the affidavit dated 27.07.2021 filed by the petitioner is extracted hereunder;

1. I am the petitioner in the above Revision Petition.

2. I state that the above C.R.P. was filed challenging the Judgment and Decree made in Coop.C.M.A.No.99 of 2010 dt.06.07.2016 on the file of the Principal District Judge / Tribunal for Cooperative Cases at Coimbatore, confirming the Order of Surcharge passed by the 1st respondent/Deputy Registrar of Cooperative Societies, Coimbatore made in Ma.Vee.Thi.Thee.No.3/97-98/Sa.pa.1 dated 29.12.2009.

3. I state that, after hearing the arguments of the parties herein, the 2nd Respondent Society filed a Memo of Calculation dated 26.07.2021 before this Hon'ble Court with the reduced rate of interest in and by which, a sum of Rs.6,38,706/- (Rupees Six lakhs thirty eight thousand seven hundred and six only) was arrived at Final amount due and payable by me to the 2nd Respondent Society towards Surcharge amount. Today during the hearing of the above C.R.P., this it was finally agreed that a sum of Rs.6,00,000/- (Rupees Six lakhs only) as Full and Final Settlement towards the surcharge dues payable by me to the 2nd respondent society.

4. I am ready and willing to pay the sum of Rs.6,00,000/- (Rupees Six lakhs only) towards the surcharge amount due payable to the 2nd Respondent society within the time fixed by this Hon'ble Court and on payment of the entire sum of Rs.6,00,000/- (Rupees Six lakhs only), the 2nd Respondent Society may be directed to raise the Order of Attachment passed against the immovable property belongs to me.

6. In view of the settlement and the affidavit of undertaking filed by the petitioner, the revision stands disposed of on the following terms;

The petitioner shall pay the amount of Rs.6,00,000/- (Rupees Six Lakhs Only) to the 2nd respondent/Society within a period of eight weeks from today (29.07.02021) failing which, this Civil Revision Petition shall stand automatically dismissed and the Judgment and Decree made in Coop.C.M.A.No.99 of 2010 dated 06.07.2016 by the learned Principal District Judge / Tribunal for Cooperative Cases, Coimbatore, confirming the order of Surcharge passed by the 1st respondent/ Deputy Registrar of Cooperative Societies, Coimbatore made in Ma.Vee.Tha.Thee.No.3/97-98/Sa.pa.1 dated 29.12.2009 shall stand automatically confirmed.

7. On the petitioner paying the said sum of Rs.6 lakhs and complying with the order of this Court, the respondents/Society shall raise the attachment and release the properties of the petitioner.

8. With the above observations, this Civil Revision Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

29.07.2021

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Note: Issue order copy on 29.07.02021

To

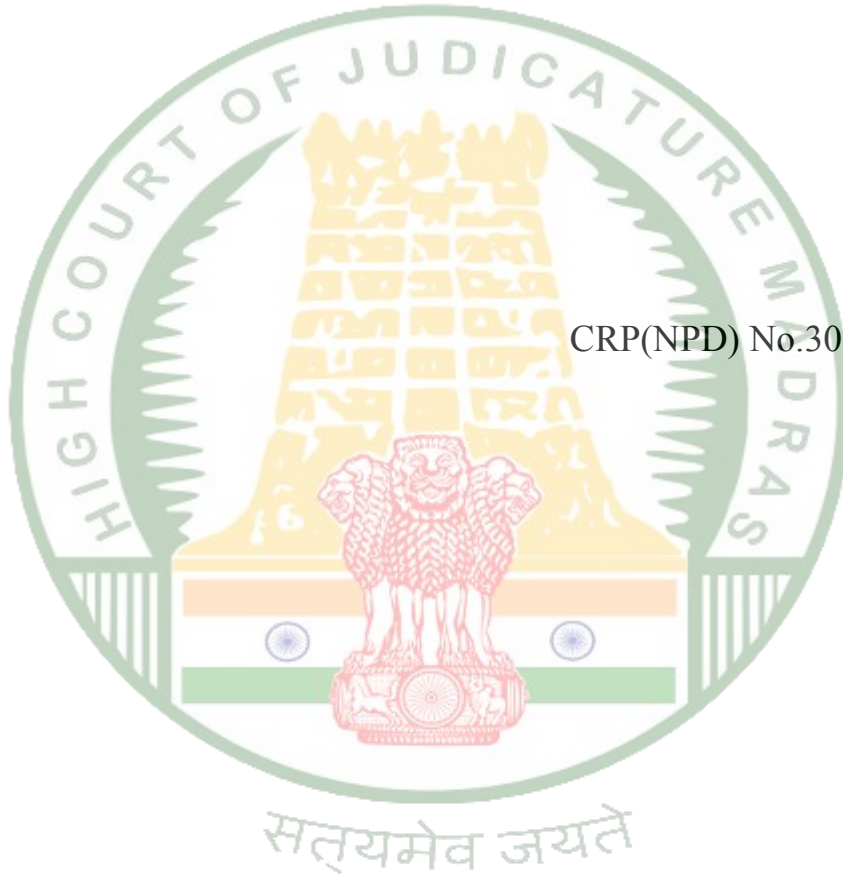
The Principal District Judge / Tribunal for Cooperative Cases
Coimbatore



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A.D.JAGADISH CHANDIRA,J.

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