

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.NPD.Nos.3892 to 3894 of 2017
and CMP.Nos.18199 to 18201 of 2017

CRP.NPD.No.3892 to 2017

The Park Town Co-operative Wholesale Stores Ltd.
Rep. by its Managing Director,
G-133, 1st Main Road,
Anna Nagar (East),
Chennai 600 102

..Petitioner

Vs.

1.Jothi
2.The Deputy Registrar of Cooperative
Societies (Non Credit)
Kuralagam,
Chennai 600 108

..Respondents

PRAYER:

The Civil Revision Petition is filed under Section 115 of CPC against the order and decree dated 13.07.2017 made in CMP.No.1 of 2017 in CMA.No.48 of 2016 on the file of Chief Judge / Presiding Officer, Special Tribunal for Cooperative Cases, Small Causes Court, Chennai.

For Petitioner : Mr.G.Thangavel

For Respondents

For R1

: Mr.P.Anbarasan

For R2

: M/s.Girija,

Additional Government Pleader

CRP.NPD.No.3893 to 2017

The Park Town Co-operative Wholesale Stores Ltd.
Rep. by its Managing Director,
G-133, 1st Main Road,
Anna Nagar (East),
Chennai 600 102

..Petitioner

Vs.

1.Srinivasan
2.The Deputy Registrar of Cooperative
Societies (Non Credit)
Kuralagam,
Chennai 600 108

..Respondents

PRAYER:

The Civil Revision Petition is filed under Section 115 of CPC against the order and decree dated 13.07.2017 made in CMP.No.3 of 2017 in CMA.No.50 of 2016 on the file of Chief Judge / Presiding Officer, Special Tribunal for Cooperative Cases, Small Causes Court, Chennai.

For Petitioner : Mr.G.Thangavel

For Respondents

For R1 : Mr.P.Anbarasan

For R2 : M/s.Girija,
Additional Government Pleader

CRP.NPD.No.3894 to 2017

The Park Town Co-operative Wholesale Stores Ltd.
Rep. by its Managing Director,
G-133, 1st Main Road,
Anna Nagar (East),
Chennai 600 102

..Petitioner

Vs.

1.M.Alagusundaram
2.The Deputy Registrar of Cooperative
Societies (Non Credit)
Kuralagam,
Chennai 600 108

..Respondents

PRAYER:

The Civil Revision Petition is filed under Section 115 of CPC against the order and decree dated 13.07.2017 made in CMP.No.5 of 2017 in CMA.No.54 of 2016 on the file of Chief Judge / Presiding Officer, Special Tribunal for Cooperative Cases, Small Causes Court, Chennai.

For Petitioner : Mr.G.Thangavel

For Respondents

For R1 : Mr.P.Anbarasan

For R2 : M/s.Girija,
Additional Government Pleader

COMMON ORDER

These civil revision petitions are filed against the order and decree dated 13.07.2017 made in CMP.Nos.1, 3 & 5 of 2017 in CMA.Nos.48, 50 & 54 of 2016 on the file of Chief Judge / Presiding Officer, Special Tribunal for Cooperative Cases, Small Causes Court, Chennai thereby dismissing the petition to implead the petitioner as the party in civil miscellaneous appeals.

2. The petitioner is the proposed respondent in the civil miscellaneous appeals filed by the first respondents herein. On perusal of the records revealed that the first respondents were the employees of the petitioner society. There was misappropriation and as such on the complaint, enquiry was conducted under Section 81 of the Tamil Nadu

Cooperative Societies Act. On receipt of the said report, under Section 87 of the said Act, the second respondent passed surcharge proceedings as against the first respondents herein. The first respondents challenged the surcharge proceedings before the court below. While appeals were pending, the petitioner being Park Town Cooperative Wholesale Stores Limited filed petition to implead as second respondent in the appeals filed by the first respondents herein.

3. Now, the learned counsel for the respondents submitted that the main civil miscellaneous appeals itself were allowed in favour of the first respondents and the surcharge proceedings initiated by the second respondent were set aside by the judgment and decree dated 17.08.2017. That apart, the petitioner filed petition to implead as second respondent in the appeals filed by the first respondents for the reason that the petitioner is the employer of the first respondent. Now loss caused to the petitioner society and as such they have to take care of the interest of the society and they want to implead themselves as party to the surcharge proceedings under challenge. Though the petitioner society lodged complaint, on the complaint Enquiry Officer conducted enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act and on the

strength of the enquiry report, surcharge proceedings were passed by the second respondent herein. However, it was now set aside. Therefore, this Court finds no irregularity or infirmity in the orders passed by the court below.

4. Accordingly, these civil revision petitions are dismissed. Consequently, connected miscellaneous petitions are closed. No order as to costs.

15.03.2021

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
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G.K.ILANTHIRAIYAN,J.

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To

The Chief Judge / Presiding Officer,
Special Tribunal for Cooperative Cases,
Small Causes Court, Chennai.



CRP.NPD.Nos.3892 to 3894 of 2017
and CMP.Nos.18199 to 18201 of 2017

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