



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2021

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WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P (MD) .No.85 of 2021

M.Sivasakthivel

... Petitioner/ Plaintiff

Vs.

The Deputy Registrar

Palani Region Co-operative Societies Deputy Registrar

Raja Veethi

Lakshmipuram

Palani

... Respondent / Defendant

PRAYER:- This Civil Revision Petition is filed under Article 227 of the Constitution of India, against the Docket order passed in O.S.SR.No.5848 of 2019 dated 27.01.2020 on the file of the learned District Munsif Court, Palani, Dindigul District.

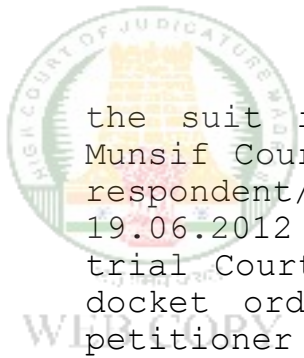
For petitioner : Mr.K.K.Ramakrishnan

For Respondent : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

ORDER

This Civil Revision Petition has been filed against the Docket order passed in O.S.SR.No.5848 of 2019 dated 27.01.2020 on the file of the learned District Munsif Court, Palani, Dindigul District.

2.The learned counsel for the petitioner would submit that the petitioner was working as Assistant Secretary in D.D.Poolampatti Agriculture Workers Co-operative Debit Society till 13.07.2004, at that time, the respondent society alleged that the petitioner misappropriated the society fund for a sum of Rs.13,44,882/-. Based on that, surcharge proceeding was initiated against the petitioner and order was passed in Surcharge Order No.1 of 2005. In pursuant to that order, the petitioner's property has been brought to the public auction by the respondent where nobody participated in the auction, hence, the respondent individual has taken auction in his favour by violating the Co-operative Society Act and also obtained sale certificate in favour of the respondent. Hence, the petitioner filed



the suit in O.S.SR.No.5848 of 2019 on the file of the District Munsif Court, Palani, Dindigul District for declaration against the respondent/defendant to declare the sale certificate dated 19.06.2012 in favour of the respondent is null and void where the trial Court after hearing the case, dismissed the plaint by way of docket order in preliminary stage. Aggrieved over the same, the petitioner has filed the present civil revision petition.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. Perusal of record shows that the learned District Munsif, Palani has passed a detailed order that if the petitioner aggrieved by the order of registration then he can only file appeal against the order of registration under Section 152 of Tamil Nadu Co-operative Societies Act and not the suit before the Civil Court and moreover as per Section 156 of Tamil Nadu Co-operative Societies Act, the jurisdiction of Civil Court is barred and rejected the plaint where I do not find any infirmity in the order passed by the learned District Munsif, Palani, Dindigul District in O.S.SR.No.5848 of 2019 dated 27.01.2020. The petitioner is directed to approach the appropriate forum for his remedy.

5. With the above observation, this Civil Revision Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1.The District Munsif
Palani, Dindigul District

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Section Officer,
ER Section,
Madurai Bench of Madras High Court,
Madurai.(2 Copies)

(For returning the impugned order in O.S.SR.No.5848 of 2019 after
getting attesting copies of same)

+1 CC to M/s.K.K.RAMAKRISHNAN, Advocate (SR-2507[F] dated
29/01/2021)

+1 CC to SGP (SR-2580[F] dated 01/02/2021)

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29.01.2021

TP (CO)

NR (11/02/2021) 3P : 6C