



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2022

CORAM

THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P (NPD) (MD) .Nos.1563 and 1610 of 2012

and

M.P (MD) Nos.1 & of 2012

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C.R.P (NPD) (MD) .No.1563 of 2012

The Special Officer,
Thanjavur Co-Operative Housing Society,
T.1072
(Now Rajarajan Co-Operative Housing Society),
Rajappa Nagar,
Thanjavur.

...Petitioner/1st Respondent

Vs

1. S. Manavalan(Died)
rep by his Power Agent R.Palaninathan,

2.Paritha Banu

3. Regional Sub Registrar,
Co-Operative Society, Office at 1/3107,
Ramalinga Adigalar, Trust Building,
Daniel Thomas Nagar, Thanjavur..

4. Thangammal

****R-4 impleaded as Lrs of Decd R-1, as per order of this Court
Dated 17.06.2015 in MP.No.1 of 2014***

... Respondents

For Petitioner : Mr.V.K.Vijayaraghavan

For Respondents : Mr.M.Senthil Ayyanar (R1)

Mr.Gunaseelan Muthiah(R3)

R4 - NA

C.R.P (NPD) (MD) .No. 1610 of 2012

Paritha Banu

...1st Respondent/ Petitioner/
Appellant

Vs

1. S. Manavalan(Died)
rep by his Power Agent R.Palaninathan,



2. Special Officer,
Thanjavur Co-Operative Housing Society,
T.1072
(Now Rajarajan Co-Operative Housing Society),
Rajappa Nagar,
Thanjavur..

3. Regional Sub Registrar,
Co-Operative Society, 1/3107,
Ramalinga Adigalar, Trust Building,
Daniel Thomas Nagar, Thanjavur..

4. Thangammal

****R-4 impleaded as Lrs of Decd R-1, as per order of this Court
Dated 17.06.2015 in MP.No.1 of 14***

... Respondents

For Petitioner : Mr.Mohammed Ibram Saibu
for M/s.Ajmal Associates,

For Respondents : Mr.M.Senthil Ayyanar
Government Advocate (R2)
R1 & R3 - NA

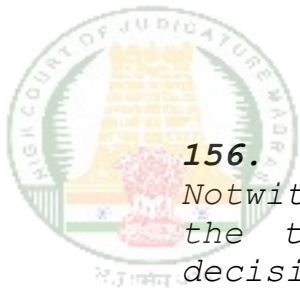
COMMON PRAYER: Civil Revision Petitions filed under Section 115 of Civil Procedure Code to set aside the impugned Decree and order in I.A.No.35 of 2011 in A.S.No.82 of 2010, dated 13-02-2012 passed by the learned Additional Subordinate Judge, Thanjavur.

COMMON ORDER

These Civil Revision Petitions have been filed by the revision petitioners to set aside the impugned Decree and Judgment in I.A.No.35 of 2011 in A.S.No.82 of 2010, dated 13-02-2012 passed by the learned Additional Subordinate Judge, Thanjavur, which was filed by the Appellant therein, to send for the documents for comparison of signature and expert's opinion.

2.Heard the learned counsel appearing for both sides and perused the materials available on record.

3.Originally, the suit in O.S.No.377 of 2006 was filed before the learned District Munsif, Thanjavur, questioning the order passed by the Regional Sub Registrar, Co-operative Society. But the jurisdiction of the Civil Court is barred under Section 156 of the Tamil Nadu Co-Operative Societies Act, 1983. Section 156 of the Tamil Nadu Co-Operative Societies Act 1983, reads as follows:



156. Bar of jurisdiction of Civil Courts.
Notwithstanding anything contained in any other law for the time being in force no order or award passed, decision or action taken or direction issued under this Act by an arbitrator, a liquidator, the Registrar or an officer authorised or empowered by him, the Tribunal or the Government or any officer subordinate to them, shall be liable to be called in question in any court and no injunction shall be granted by any court in respect of anything which is done or intended to be done by or under this Act.

The suit was also dismissed on that ground. Now an appeal in A.S.No. 82 of 2010 was filed by the first respondent/appellant. In this appeal, the present I.A.35 of 2011 has been filed. As per Section 152 of Co-operative Societies Act, if the petitioner wants to question any order passed by the Authority, he can file an appeal before the Co-operative Tribunal.

4.The petitioner has also raised the issue of jurisdiction issue before the trial Court. So the appellate Court has to decide the jurisdiction of appeal first, then only he can decide the issue in I.A.No.35 of 2011. So the learned Additional Subordinate Judge, Thanjavur is directed to decide the jurisdiction of appeal first and then to proceed with the appeal, within two months, from the date of receipt of copy of this order, since the appeal is pending from the year 2010.

5.Accordingly, these Civil Revision Petitions are closed, with a liberty to the petitioners to reopen this revision filed against the order in I.A.No.35 of 2011, if the jurisdiction is decided. The order passed in I.A.No.35 of 2011 is kept in abeyance, till deciding the jurisdiction. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AE)

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/ /2022

Sub Assistant Registrar(CS)

PNM

To

1.The Additional Subordinate Judge, Thanjavur.

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



C.R.P(NPD)(MD).No.1563 of 2012

+1 CC to M/s.V.K. VIJAYARAGAVAN, Advocate (SR-18794[F] dated 13/04/2022)

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