



C.R.P(MD)No.185 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.185 of 2018

and

C.M.P(MD)No.821 of 2018

Vadasery Handloom Weavers Co-operative
Society Limited No.Y-2183,
Ravi Varman New Street,
Vadasery, Nagercoil,
Represented by its
Managing Director

... Petitioner/3rd Defendant

Vs.

1.C.Subala

2.C.Mathusoothanan

3.C.Kuttalam

... Respondents 1 to 3/
Plaintiffs

4.The Director,
Handloom and Textiles,
Kuralakam, Chennai-108.

5.The Assistant Director,
Handloom and Textiles,
Water Tank Road, Nagercoil.

... Respondents 4 & 5/
Defendant 1 & 2

1/6



C.R.P(MD)No.185 of 2018

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, as against the fair and decreetal order passed in O.S.No.88 of 2014, dated 24.02.2015 on the file of the learned Principal Subordinate Judge, Nagercoil.

For Petitioner : Mr.S.M.Mohan Gandhi
For R-1 to R-3 : Mr.N.Dilip Kumar
For R-4 & R-5 : Mr.T.Villavan Kothai
Additional Government Pleader

ORDER

The present revision petition has been filed challenging the judgment and decree passed in O.S.No.88 of 2014, dated 24.02.2015 on the file of the Principal Sub Court, Nagercoil.

2. One Chithambarathanu Pillai was working as a Manager in the revision petitioner Co-operative Society. He passed away while in service and his terminal benefits were not disbursed. The legal heirs of deceased Chithambarathanu Pillai had filed the above said suit as against the Co-operative Society and the Director and the Assistant Director of



C.R.P(MD)No.185 of 2018

Handlooms and Textiles seeking a recovery of a sum of Rs.6,45,520/-

with future interest. After contest, the suit was decreed on 24.02.2015.

Alleging non compliance of the decree, the decree holders had filed E.P.No.46 of 2016.

3. While the execution proceedings were pending, the judgment debtor had filed the above revision petition challenging the judgment and decree. In view of the above said decree, pending revision petition, this Court by an order, dated 17.03.2022 had directed the Co-operative Society to pay a sum of Rs.2,91,075/- along with interest at the rate of 6% from 18.11.2014. The said payment should be made on or before 18.04.2022. In partial compliance with the said order, the Society has deposited certain amounts in E.P.No.46 of 2016 and a Memo of calculation has been filed before this Court. A perusal of the said calculation Memo indicates that, the Society has only deposited the principal amount, namely, Rs.2,91,075/- and not interest as directed in paragraph No.4 of the orders of this Court, dated 17.03.2022.



C.R.P(MD)No.185 of 2018

4. The facts captured above will further indicate that without filing a regular appeal under Section 96 of Civil Procedure Code, the present revision petition has been filed challenging the judgment and decree. The judgment debtor has not made out any extraordinary grounds to invoke the jurisdiction of the Court under Article 227 of the Constitution of India to set aside the judgment and decree, dated 24.02.2015 passed the above said suit.

5. The learned Counsel appearing for the revision petitioner had contended that the suit is not maintainable in view of Section 156(3) of Co-operative Societies Act. A perusal of the decree indicates that the same has been passed not after adjudication but upon a compromise entered into between the parties and therefore, such a contention cannot be raised at this length of time.

6. Considering the above said fact, this Court is not inclined to entertain the revision petition and the same stands dismissed. The decree holder is at liberty to proceed further in the execution proceedings in



C.R.P(MD)No.185 of 2018

accordance with law.

WEB COPY

7. This Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

11.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

- 1.The Principal Subordinate Judge,
Nagercoil.
- 2.The Section Officer,
Vernacular Record Section,
Madurai Bench of Madras High Court,
Madurai.
- 3.The Director,
Handloom and Textiles,
Kuralakam, Chennai-108.
- 4.The Assistant Director,
Handloom and Textiles,
Water Tank Road, Nagercoil.

5/6



WEB COPY



C.R.P(MD)No.185 of 2018

R.VIJAYAKUMAR, J.

BTR

Order made in
C.R.P(MD)No.185 of 2018

11.06.2024