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W.A.(MD)NO.765 OF 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.A.(MD)No.765 of 2021 AND

C.M.P.(MD)No.3431 of 2021

A-3101, Madurai Milk Project Employees

Co-operative Thrift and Credit Society,

Rep. by the President,

Sivagangai Road,

Sathamangalam,

Madurai – 625 016.

... Appellant / 3rd Respondent

Vs.

1. S.Karthikeyan

... 1st Respondent / Petitioner

2. The Deputy Registrar of Co-operative Societies,

Madurai Circle,

40-41, Krishnarayar Tank Street,

Old RDCC Bank Building,

Madurai – 625 001.

3. The Joint Registrar of Co-operative Societies,

13A, Kanaga Apartments,

Lady Doak College Road,

Madurai – 625 002.

4. The Reserve Bank of India,

Rep. by the Regional Director,

Chennai.

... Respondents 2 to 4 /

Respondents 1, 2& 4



Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order passed in W.P.(MD)No.1340 of 2020 dated 07.12.2020 on the file of this Court.

For Appellant : Mr.P.Suresh Kumar

For R-1 : Mr.Arjun,
for Mr.R.Ganeshan.

For R-2 & R-3 : Mr.K.Balasubramani,
Special Government Pleader.

* * *

J U D G M E N T

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard the learned counsel on either side.

2. The first respondent herein had deposited a sum of Rs.16,50,000/- in the appellant society. The said amount was not refunded with interest even after maturity. Hence, the first respondent filed W.P.(MD)No.1340 of 2020. The writ petition was disposed of by the learned single Judge on 07.12.2020 in the following terms:-

“7. This Court after considering the pleadings



filed by both the parties, as well as after hearing the submissions made by the respective counsels, passes the following order in view of the acknowledgement of liability made by the third respondent Society in its counter affidavit filed before this Court.

(a) the third respondent shall pay Rs.5,80,000/- (Rupees Five Lakhs and Eighty Thousand only) to the petitioner on or before 23.12.2020; and

(b) the third respondent shall pay the balance amount, together with accrued interest, on or before 28.02.2021.

8. The petitioner has claimed that he has made a deposit of Rs.16,50,000/- (Rupees Sixteen Lakhs and Fifty Thousand only) with the third respondent Society, which is not disputed by the respondents as seen from the counter affidavit filed by the third respondent Society.”

3. We are of the view that an equitable order has been passed by the learned single Judge. The learned single Judge directed the appellant to return the amount deposited by the petitioner. Interference is not warranted.



4. The learned counsel for the appellant makes a claim that the appellant has made refund to the tune of Rs.13,20,000/-. We do not want to go into the issue. This aspect can be decided in the contempt petition filed by the writ petitioner / his legal heirs. This writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (M.JOTHIRAMAN, J.)
6th February 2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

1. The Deputy Registrar of Co-operative Societies,
Madurai Circle,
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2. The Joint Registrar of Co-operative Societies,
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