



CRP(MD)No.2586 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.2586 of 2025

NN 207, Kandavarayanpatti Primary
Agricultural Co-operative Credit Society,
Kandavarayanpatti,
Thiruppathur Taluk,
Sivagangai District,
Represented by the Secretary,
M.Ramasubramanian

... Petitioner

Vs

1.The District Judge/ Cooperative Tribunal,
Sivagangai,
Sivagangai District.

2.The Deputy Registrar of Co-operative,
Karaikudi,
Sivagangai District.

3.Seethalakshmi

... Respondents



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Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, Writ of Certiorari, to call for the records of the judgment and decree dated 30.09.2015 made in C.M.A.(C.S.)No.11 of 2007, on the file of the District Judge / Cooperative Tribunal, Sivagangai District, Sivagangai and set aside the same and allow this Civil Revision Petition.

For Petitioner : Mr.L.George Paul Anto
For R1 & R2 : Mr.C.Venkatesh Kumar
Additional Government Pleader
For R3 : Mr.S.Srinivasa Raghavan

ORDER

The NN 207, Kandavarayanpatti Primary Agricultural Co-operative Credit Society has filed this writ petition as against the Judgment and decree passed by the Co-operative Tribunal in C.M.A. (C.S.)No.11 of 2007, dated 30.09.2015, in and by which, the suo-motu sucharge proceedings initiated by the Deputy Registrar of Co-operative, Karaikudi, Sivagangai to recover a sum of Rs.4,99,438/- from one Seethalakshmi/the third respondent herein and two others has been set aside.



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2.The petitioner Society is a Co-operative Institution, serving the needs of the agricultural farmers, by raising funds from the District Central Co-operative Bank, Sivagangai and also by collecting deposits from the public. One Seethalakshmi/the third respondent, who was working as a Cashier in the petitioner Society, in connivance with two others has misappropriated a sum of Rs.4,99,438/-, for which, an enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 has been initiated and an order of recovery of a sum of Rs.4,99,438/- from them was also ordered. Challenging the same, the third respondent has preferred an appeal, under Section 152 of the Tamil Nadu Co-operative Societies Act,1983 before the District Judge/Co-operative Tribunal, Sivagangai in CMA (CS) No.11 of 2007. The first respondent, by his order, dated 30.09.2015 has set aside the order of recovery passed by the second respondent. Challenging the same, the petitioner Society is before this Court with this Civil Revision Petition.



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3.The main contention of this petitioner Society is that they are the affected party and the misappropriation was committed in their bank. However, CMA (CS) No.11 of 2007 was filed without impleading the Society as a party and an order has also been obtained. Therefore, the learned counsel seeks remand of the matter for fresh consideration by affording sufficient opportunity to the petitioner.

4.Considering the limited relief sought for by the petitioner and also considering the fact that the impugned order has been passed by the Tribunal, without hearing the Society, which is a necessary party, this Court is inclined to allow this Civil Revision Petition.

5.Accordingly, this Civil Revision Petition is allowed. The Judgment and decree passed by the first respondent in C.M.A.(C.S.)No. 11 of 2007, dated 30.09.2015 is set aside and the matter is remanded



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back for fresh consideration by the Tribunal, by providing an opportunity to the petitioner Society and to decide the matter within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous petition is closed.

16.09.2025

Index : Yes / No.
Internet : Yes / No.
vrn

To

- 1.The District Judge/ Cooperative Tribunal,
Sivagangai,
Sivagangai District.
- 2.The Deputy Registrar of Co-operative,
Karaikudi,
Sivagangai District.



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B.PUGALENDHI, J.

vrn

Order made in
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