

Smitha Menon vs Vilvattom Service Co-Operative Society Ltd.

Smitha Menon vs Vilvattom Service Co-Operative Society Ltd.

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Court : Kerala

Decided On : Jan-31-2024

Judge : Honourable Mr. Justice Raja Vijayaraghavan V

Appeal No. : WP(C)/1983/2024

Appellant : Smitha Menon

Respondent : Vilvattom Service Co-Operative Society Ltd.

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V WEDNESDAY, THE 31ST DAY OF JANUARY 2024 / 11TH MAGHA, 1945 WP(C) NO. 1983 OF 2024 PETITIONERS: 1 SMITHA MENON AGED 58 YEARS (A.19986), W/O.LATE VALORE NANDAKUMAR MENON, VALORE HOUSE, 2 VRINDA MENON AGED 34 YEARS (22209), D/O. LATE VALORE NANDAKUMAR MENON, VALORE HOUSE, 3 SUDHEERKUMAR AGED 54 YEARS (C4827), S/O.KURUMANGATT GOPALAKRISHNAN, VALORE HOUSE, CHEROOR P.O., VILVATTAM VILLAGE, THRISSUR, PIN - 680014 BY ADVS. C.CHANDRASEKHARAN LAKSHMISREE P.S. RESPONDENTS: 1 VILVATTOM SERVICE CO-OPERATIVE SOCIETY

LTD. NO.337, VILVATTAM VILLAGE, THRISSUR, REPRESENTED BY ITS SECRETARY, PIN - 680014 2 THE SPECIAL SALE OFFICER, OFFICE OF THE ASSISTANT REGISTRAR OF CO. OPERATIVE SOCIETIES (GENERAL) AYYANTHOLE, THRISSUR, PIN - 680003 R1 BY SRI. K. R. ARUN KRISHNAN R2 BY SMT. MABLE C. KURIAN, SENIOR GOVERNMENT PLEADER THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: W.P.(C).1983 of 2024
2

JUDGMENT

The petitioners herein are the defendants in ARC No. 4172/2020 on the files of the 2nd respondent. According to them, the petitioners were not served with any notice in the above proceeding. The petitioners have received information that an ex-parte award has been passed. Seeking to set aside the ex-parte award, Ext.P3 application has been filed. The grievance of the petitioner is that without passing orders on Ext.P3 application, the respondents are proceeding with the execution. It is on these assertions that this writ petition is filed seeking issuance of directions to the 2nd respondent to consider Ext.P3 application and keep in abeyance all further proceedings pursuant to Exts.P1 and P2 till a decision is taken on the same.

3. The learned counsel appearing for the petitioners would rely on

the law laid down in Joseph A.R. and Others v. Co-operative Arbitration Court, Kozhikode¹ and Rema Devi v. Joint Registrar (General) of Co-operative Societies² and submitted that the 2nd respondent has ample jurisdiction to consider the applications.

4. Heard the learned Government Pleader. [2013 KHC 776] [2016(3) KLT 50] W.P.(C).1983 of 2024 3

5. Having considered the submissions advanced, I find that in the

instant case, the application to set aside the ex-parte awards is pending consideration before the concerned respondent. The said application is liable to be considered in the light of the law laid down in Joseph A.R. (supra) and Rema Devi (supra).

4. This writ petition is disposed of directing the 2nd respondent to

consider and pass orders on Ext.P3 expeditiously, in any event, within 30 days from the date of receipt of a copy of this judgment. Till orders are passed, proceedings pursuant to Ext.P1 and P2 shall be kept in abeyance.

sd/- RAJA VIJAYARAGHAVAN V, JUDGE DCS W.P.(C).1983 of 2024 4
APPENDIX OF WP(C) 1983/2024 PETITIONER EXHIBITS Exhibit - P1 TRUE
COPY OF E.P.NO.1184/22 IN AWARD NO.4171/20, DATED 28/12/2023, ISSUED
BY THE 2ND RESPONDENT, TO THE 1ST PETITIONER Exhibit - P2 TRUE
COPY OF E.P.NO.1185/22 IN AWARD NO.4172/22, DATED 28/12/2023, ISSUED
BY THE 2ND RESPONDENT, TO THE 2ND PETITIONER Exhibit- P3 TRUE
COPY OF THE I.A.NO.406/2024 IN ARC NO.4172/2020, DATED 5/1/2024, FILED
BEFORE THE 2ND RESPONDENT Exhibit - P4 TRUE COPY OF THE
JUDGMENT DATED 13/12/2023 IN W.P.(C)36847 OF 2023 ON THE FILE OF
THIS HON'BLE COURT

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