

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH
&

THE HONOURABLE MR. JUSTICE SATHISH NINAN

THURSDAY, THE 19TH DAY OF JULY 2018 / 28TH ASHADHA, 1940

WA.No. 185 of 2016 IN WPC. 26658/2014

AGAINST THE JUDGMENT IN WP(C) 26658/2014 of HIGH COURT OF KERALA DATED
14-09-2015

APPELLANT/PETITIONER

THE KOLLAM DISTRICT CO-OPERATIVE BANK LTD
REPRESENTED BY ITS GENERAL MANAGER, HEAD OFFICE,
P.B.NO.130, KOLLAM-691001.

BY ADV.SRI.T.R.HARIKUMAR, SC, KOLLAM DISTRICT CO-OPERATIVE BANK LTD

RESPONDENTS/RESPONDENTS:

1. THE JOINT REGISTRAR(GENERAL)OF CO-OPERATIVE SOCIETIES,
KOLLAM, KOLLAM DISTRICT-691001.
2. THE ACHAN KOVIL SERVICE CO-OPERATIVE BANK LTD.NO.Q 501
REPRESENTED BY ITS ADMINISTRATIVE COMMITTEE CONVENOR,
ACHANKOVIL P.O., KOLLAM DISTRICT-689696.
3. C.RADHAKRISHNA PILLAI,
RESIDING AT RATHNAVILASOM, ACHANKOVIL P.O., KOLLAM
DISTRICT-689 696.

R3 BY ADV. SRI.G.D.PANICKER
ADV. SMT.JEENA JOSEPH
R1 BY GOVERNMENT PLEADER

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 18-07-2018 ALONG WITH W.A No.268/2016,
THE COURT ON 19.07.2018 DELIVERED THE FOLLOWING:

V.Chitambaresh & Sathish Ninan, JJ.

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W.A Nos.185 of 2016 & 268 of 2016

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Dated this the 19th day of July, 2018

JUDGMENT

Sathish Ninan, J

With regard to disbursal of the amounts of the second respondent in deposit with the appellant Bank, in common judgment dated 2.11.2013 in W.P(C) No.24850 of 2012 and 16387 of 2013 this Court held thus:

“The joint Registrar shall determine the dues to the Government as also that of the petitioner and shall adjust the same proportionately from the amounts deposited in the 5th respondent bank.”

2. The 5th respondent therein is the appellant in this appeal and the petitioner therein is the first

respondent herein. He had raised claims for disbursal of gratuity against the 2nd respondent herein from the amounts of the 2nd respondent in deposit with the 5th respondent therein.

3. Pursuant to the said judgment the Joint Registrar has passed an order apportioning ₹3,42,183/- that was available in deposit, by allotting ₹2,37,083/- towards Government dues from the 2nd respondent and ₹1,05,100/- to the 1st respondent towards gratuity. The claim of the appellant Bank is that amounts are due to it from the 2nd respondent under various loans and that they are entitled to lien over the amounts in deposit with them. Such a contention was not urged by them in W.P.(C) Nos.24850 of 2012 and 16387 of 2013.

4. As noticed supra, the appellant Bank was a party to the earlier writ petitions and is bound by the judgment passed therein. The learned single judge has

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rightly held that the present order passed by the Joint Registrar is in terms of the judgment in the earlier writ petitions. There is no merit in these appeals and the same are dismissed.

Sd/- V.Chitambaresh, Judge

Sd/- Sathish Ninan, Judge

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