

**In the Court of the Principal Munsiff, Nedumangad**

**Present:- Smt. Radhika S Nair, Principal Munsiff.**

**Saturday 28<sup>th</sup> March, 2026/ 07<sup>th</sup> Chaithra, 1948**

**EP. 41/2024 in PLP No. 11772/2023**

**Decree Holder(s) :-** Vellanad Block Welfare Co-operative Society  
Ltd.No. T 1564, Aryanad, Aryanad P O,  
Aryanad village.  
Represented by its Clerk/ Accountant Prajeesh,  
aged 42 years, S/o. Krishnan Nair, Mangalathu Veedu,  
Uzhappakkoanm, Karipoor P O, Karipoor village.

**(By Advocate:- Sri. S Narayan)**

**Judgment Debtor(s):-**

Sakhikumar, aged 51 years, S/o. Albert,  
Himagiri, Alamukku, Poovahchal P O,  
Perumkulam village, Nedumangad Taluk.

**(No representation)**

This petition is having been finally heard on 12..03..2026 and the court on 28..03..2026 passed the following:

**ORDER**

This execution petition is filed by the Decree holder, Vellanadu Block Welfare Co-operative Society for executing the Award passed in PLP 11172/2023 on 02.12.2023.

2.Both parties have settled the matter, and as per the terms of the award, a sum of Rs.85,000/- (Rupees eighty five thousand only) shall be paid on or before 31.01.2024 and in case of default, the petitioner shall be entitled to realise Rs.1,00,080/-(Rupees one lakh and eighty only) together with 12%

interest and costs from the respondent and his assets.

3.As the judgment debtor has failed to remit the aforesaid amount, this execution petition is filed to realise the sum of Rs.1,09,099/-(Rupees one lakh nine thousand and ninety nine only), which includes the agreed amount, interest and costs.

4. Judgment debtor entered appearance and filed objection challenging the maintainability of the execution petition. It was contended that legal service authority has no power to pass an award in a petition filed by a co-operative society. It was also contended that as per Section 69 of the Kerala Co-operative Societies Act, no suit or proceedings will be entertained by a Civil Court. Hence it is prayed that this E.P be dismissed as not maintainable.

5.Heard both sides.

6. Now it is appropriate to consider Section 76 of the Kerala Co-operative Societies Act, which reads as follows:

“Every order made under sub-section(2) of section 68 or under section 75, every decision or award made under Section 70, every order made by the liquidator under section 73 and every order made by the Tribunal under Section 82, section 84, section 85 or section 86 and every order made under section 83 shall, if not carried out,-

- (a) on a certificate signed by the Registrar or any person authorised by him in this behalf, be deemed to be a decree of a civil Court and shall be executed in the same manner as a decree of such Court; or

(b) where the order is for the recovery of money, be executed according to the law and under the rules for the time being in force for the recovery of arrears of public revenue due on land:

Provided that any application for such recovery shall be made--

- (i) to the Collector and shall be accompanied by a certificate signed by the Registrar or by any person authorised by him in this behalf.
- (ii) within twelve years from the date fixed in the order, decision or award and if no such date is fixed, within twelve years from the date of the order, decision or award, as the case may be, or
- (c) be executed by the Registrar or any other person subordinate to him empowered by the Registrar in this behalf, by the attachment and sale or sale without attachment of any property of the person or a society against whom the order, decision or award has been obtained or passed.”

7. A similar question that arose in this execution petition was considered by the Hon'ble High Court of Kerala in the case of **Ernakulam District Co-operative bank V. Darly Babu and others** WP(C)11304/2008 dated 25.06.2010. In that case, considering the provisions of Section 69 of the Co-operative Societies Act and Section 2(b) of the Co-operative Societies Act, the Hon'ble High Court of Kerala has held that when Lok Adalat exercises jurisdiction and passes an award, then such award will be within the statutory authority under the Co-operative Societies Act and a certificate under Section

76(a) of the Co-operative Societies Act is absolutely necessary. While disposing of the Writ petition challenging the order of the Trial Court, the Hon'ble High Court of Kerala has held that the right of the petitioner to produce the certificate of the Registrar for executing the award of Lok Adalath and moving fresh execution petition in accordance with the law is reserved.

8. In the case at hand, no certificate has been produced by the decree holder under Section 76(a) of the Co-operative Societies Act, for executing the award. Hence, I am of the considered view that the execution petition is not maintainable and the same is liable to be dismissed.

**In the result**, the E.A stands allowed. The execution petition is dismissed for want of certificate under section 76(a) of the Kerala Co-operative Societies Act, 1969. The petitioner is at liberty to file a fresh execution petition along with the certificate of the Registrar of Co-operative Societies as contemplated under section 76(a) of the Kerala Co-operative Societies Act, 1969.

*(Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open court this the day of 27<sup>th</sup> day of March, 2026)*

Sd/-  
RADHIKA S NAIR,  
**PRINCIPAL MUNSIFF.**

**APPENDIX: NIL**

Id/-  
PRINCIPAL MUNSIFF

Typed by: Apsara L V  
Compared by:

//True Copy//

PRINCIPAL MUNSIFF

***True Copy of Order in  
EP 41/2024  
Dated: 28..03..2026***