



**IN THE HIGH COURT OF KARNATAKA, AT DHARWAD**

**DATED THIS THE 23<sup>RD</sup> DAY OF MARCH, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE ASHOK S. KINAGI**

**WRIT PETITION NO.106491 OF 2024 (CS-RES)**

**BETWEEN:**

MALAPRABHA CO-OPERATIVE SPINNING MILL  
SOUNDATTI, AT. SOUNDATTI, TALUK. SOUNDATTI,  
DISTRICT. BELAGAVI, REPRESENTED BY  
ITS MANAGING DIRECTOR.

...PETITIONER

(BY SRI. SHIVARAJ P.MUDHOL, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA,  
REPRESENTED BY ITS SECRETARY,  
DEPARTMENT OF CO-OPERATION,  
M.S. BUILDING, BENGALURU-580001.
2. THE JOINT REGISTRAR OF CO-OPERATIVE  
TEXTILE AND TEXTILE DEVELOPMENT COMMISSIONER  
AND OFFICE OF THE DIRECTOR OF HANDLOOM  
AND TEXTILE DEVELOPMENT,  
NO.14/3A ROSTROTHANA PARISHATH BUILDING,  
NRUPATUNGA ROAD, BENGALURU-560001.
3. RANGAPPA S/O. BHIMAPPA SUTAGATTI,  
AGE. 74 YEARS, OCC. AGRICULTURE,  
R/O. HOOLI VILLAGE, TQ. SOUNDATTI,  
DIST. BELAGAVI-591203.
4. THE ASSISTANT REGISTRAR  
CO-OPERATIVE SOCIETIES, BAILHONGAL,  
TQ. BAILHONGAL, DIST. BELAGAVI-590001.

...RESPONDENTS

(BY SMT. KIRTELATA R.PATIL, HCGP FOR R1, R2 AND R4;  
SRI. H.M. DHARIGOND, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227  
OF THE CONSTITUTION OF INDIA, PRAYING TO 1. TO ISSUE WRIT IN

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THE NATURE OF CERTIORARI TO QUASH THE IMPUGNED JUDGMENT AND ORDER DATED 26/08/2024 IN APPEAL NO.518/2012 PASSED BY THE KARNATAKA APPELLATE TRIBUNAL AT BANGALURU VIDE ANNEXURE-H AND ETC.,.

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

**ORAL ORDER**

(PER: THE HON'BLE MR. JUSTICE ASHOK S. KINAGI)

1. The petitioner has filed this writ petition challenging the order dated 26.08.2024 passed in Co-operative Appeal No.518/2012 by the Karnataka Appellate Tribunal, Bengaluru.

2. Brief facts, leading rise to the filing of this petition are as follows:

3. The competent authority passed an order under Section 68 of the Karnataka Co-operative Societies Act, 1959 (for short, "the Act"), fastening liability on respondent No.3. Thereafter, the petitioner raised a dispute for recovery of the said amount against respondent No.3. The said dispute came to be allowed by an award dated 16.06.2012. Aggrieved by the same, respondent No.3



preferred an appeal before the Karnataka Appellate Tribunal in Appeal No. 518/2012.

4. The Karnataka Appellate Tribunal, by its judgment dated 26.08.2024, allowed the appeal, and remanded the matter to respondent No.1/respondent No.2 herein for fresh consideration from the stage of cross-examination of PW1 by the appellant/respondent No.3. The Tribunal further directed respondent No.1/respondent No.2 herein to afford reasonable opportunity to both parties and dispose of the matter in accordance with law within four months from the date of receipt of the order. Being aggrieved by the said order, the petitioner filed this writ petition.

5. Heard the arguments of the learned counsel for the petitioner, and the learned Additional Government Advocate.

6. The learned counsel for the petitioner submits that respondent No.3, while preferring the appeal before the Karnataka Appellate Tribunal, had not deposited the statutory amount as required under sub-section (2) of



Section 105 of the Act. Therefore, the impugned order passed by the Tribunal is contrary to the said provision. Accordingly, on these grounds, prays to allow the writ petition.

7. *Per contra*, the learned Additional Government Advocate supports the impugned order and accordingly, prays for the dismissal of the writ petition.

8. Perused the records and considered the submissions made by the learned counsel for the parties.

9. It is an undisputed fact that the competent authority passed an order under Section 68 of the Act fastening liability on respondent No.3, and that respondent No.3 preferred an appeal before the Karnataka Appellate Tribunal in Appeal No. 518/2012.

10. The petitioner had raised an objection before the Tribunal contending that the appeal was not maintainable as respondent No.3 had not deposited 25% of the award amount as required under sub-section (2) of Section 105 of the Act of 1959.



11. The Tribunal, by its order dated 29.08.2012, recorded a finding that the appeal was filed against the award dated 16.06.2012 and that the proceedings had been initiated prior to the amendment. Therefore, it held that sub-section (2) of Section 105 of the Act, which came into force in March 2010, was not applicable to the present case. Accordingly, the office objection was overruled, and the appeal was admitted.

12. The said order dated 29.08.2012 has attained finality, as the petitioner has not challenged the same.

13. The Appellate Tribunal, upon consideration of the material on record, has held that respondent No.3 was not afforded sufficient opportunity to put forth his case. It was observed that respondent No.3 was not given adequate opportunity to cross-examine PW1 or to adduce evidence before the Joint Registrar of Co-operative Societies, i.e., respondent No. 1/respondent No.2 herein.

14. In view of the above, the Tribunal remanded the matter for a fresh consideration from the stage of cross-examination of PW1. The Tribunal was justified in



remanding the matter on the ground that sufficient opportunity was not provided, which amounts to a violation of the principles of natural justice.

15. Hence, this Court do not find any error or illegality in the impugned order at Annexure-H. Accordingly, the following:

**ORDER**

- i. The writ petition is ***dismissed***.
- ii. Respondent No.2 i.e., the Joint Registrar of Co-operative Societies (Textile) is directed to dispose of the dispute within a period of six months from the date of receipt of a copy of this order.
- iii. Pending applications, if any, shall stand disposed of.

**Sd/-  
(ASHOK S. KINAGI)  
JUDGE**

AC  
CT: UMD/List No.: 1 Sl No.: 52