

H  
SLP(C)No. 23675 OF 2003

ITEM No.66

Court No. 1

SECTION XIIA  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.23675/2003  
(From the judgement and order dated 25/06/2003 in WPMP 13432/03  
of The HIGH COURT OF A.P AT HYDERABAD)

KOTHA NARASIMHA MURTHY

Petitioner (s)

VERSUS

DEPUTY REGISTRAR OF COOP. SOCIETIES

Respondent (s)

(With prayer for interim relief)

Date : 04/10/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner (s)Mr. Y. Raja Gopala Rao.,Adv.

For Respondent (s)Mr. B Vikas, Adv.  
Mrs.D. Bharathi Reddy,Adv.

UPON hearing counsel the Court made the following  
O R D E R

Leave granted.

The appeal stands disposed of in terms of the signed order.

(D.P. WALIA)  
COURT MASTER

(RADHA R. BHATIA)  
COURT MASTER

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6477 OF 2004  
[arising out of SLP(C) No. 23675 of 2003]

Kotha Narasimha Murthy... Appellant

vs.

Deputy Registrar of Co-operative Societies... Respondent

O R D E R

Leave granted.

The appellant is faced with proceedings under Section 60(1) of the Andhra Pradesh Co-operative Societies Act (No. 7 of 1964). The proceedings were held ex parte and an order of surcharge for recovery of Rs.6,27,749.15p. was passed against the appellant. Vide order dated 21st April, 2003, the Division bench of the High Court allowed the appellant opportunity of participating in the proceedings and defending himself but subject to payment of half of the amount sought to be recovered from the appellant within a period of one month without prejudice to his rights. The amount was not deposited and, therefore, vide order dated 25th June, 2003 the Court refused to extend the time prescribed for depositing the amount. The appellant has come up in appeal by special leave.

During the pendency of these proceedings, the appellant has deposited an amount of Rs.1,50,000/-. Rs. 90,000/- has been paid to the respondent-Deputy Registrar of Co-operative Societies by way of two demand drafts of Rs. 45,000/- each dated 23.9.2004. A further amount of Rs. 60,000/- is being paid to the respondent by way of four bank drafts which are tendered in the Court by the learned counsel for the appellant to the learned counsel for the respondent.

The orders dated 21st April, 2003 and 25th June, 2003 passed by the High Court are modified by directing that the appellant shall have the opportunity of contesting the surcharge proceedings on merits. The ex parte order dated 7th January, 1989 passed by Deputy Registrar of Co-operative Societies, Tekkali is set aside. The amount of Rs.1,50,000/- deposited by the appellant with the respondent shall be subject to the final result in the proceedings.

The appeal stands disposed of.

.....CJI (R.C. LAHOTI)

.....J  
(G.P. MATHUR)

New Delhi;  
October 4, 2004.