

(2015) 06 KAR CK 0348

In the Karnataka High Court

Case No : Writ Petition No. 10928 of 2015 (CS-RES)

P.R. Sriranga

APPELLANT

Vs

Town Co-Operative Bank Limited and Others

RESPONDENT

Date of Decision : 22-06-2015

Acts Referred:

Constitution of India, 1950 — Article 226, 227
Karnataka Co-operative Societies Act, 1959 — Section 70

Citation : (2015) 4 KarLJ 684

Hon'ble Judges : H.G. Ramesh, J

Bench : Single Bench

Advocate : Jagadish N., for the Appellant; Tharanath Poojary, Additional Government Advocate, Advocates for the Respondent

Final Decision : Dismissed

Judgement

H.G. Ramesh, J—This writ petition is directed against the judgment dated 30th September, 2014 (Annexure-B) passed by the Karnataka Appellate Tribunal dismissing the petitioner's appeal in Appeal No. 347 of 2007 filed against the award dated 16-1-2007 (Annexure-A) passed by respondent 4-Arbitrator against the petitioner and others for Rs. 3,99,520/- plus interest thereon at 19.5% and costs of Rs. 280/-. The sole contention urged by the learned Counsel for the petitioner is that the petitioner had no opportunity to contest the claim before the Arbitrator (respondent 4) in the dispute raised under Section 70 of the Karnataka Co-operative Societies Act, 1959 by respondent 1-Bank.

2. Respondent 1-Bank had filed the claim against the petitioner and two others for recovery of Rs. 3,99,520/-. The Arbitrator, on consideration of the evidence, passed an award dated 16-1-2007 vide Annexure-A for recovery of Rs. 3,99,520/- along with interest thereon at 19.5% and costs of Rs. 280/-. The award has been made against the petitioner and two others making them jointly and severally liable for the award amount.

3. The petitioner presented an appeal against the aforesaid award to the

Karnataka Appellate Tribunal, Bangalore on 30-4-2007 i.e. within four months from the date of the award. He claims to have come to know of the award from one of the directors of respondent 1-Bank. This indicates that the petitioner was keeping track of the proceeding before the Arbitrator. The Appellate Tribunal, on consideration of the evidence on record, found that the petitioner had executed an on demand promissory note and several other documents at Exs. P. 1 to P. 8 evidencing borrowing of the loan from respondent 1-Bank on 12-4-1996. The Appellate Tribunal has also found that the petitioner had deliberately avoided service of notice sent by the Arbitrator by Registered Post Acknowledgement Due. As could be seen from the award and the judgment of the Tribunal, several notices were sent by Registered Post Acknowledgement Due to the petitioner, but they could not be served on him as he avoided service. The object of the petitioner appears to be to drag on the proceeding to the extent possible and has virtually succeed in his object as the claim was originally filed in the year 2000-2001. The Bank had lent the money to the petitioner in the year 1996. The findings recorded by the Appellate Tribunal are supported by the evidence on record. Hence, I find no ground to interfere with the judgment of the Appellate Tribunal in exercise of the extraordinary jurisdiction of this Court under Articles 226 and 227 of the Constitution of India. The writ petition is accordingly dismissed.

Petition dismissed.