

Kerala High Court

John vs Amballur Service Co-Operative ... on 6 February, 2003

Equivalent citations: 2003 (1) KLT 675

Author: R R Babu

Bench: R R Babu

JUDGMENT R. Rajendra Babu, J.

1. Heard the learned counsel for the petitioners, the learned Government Pleader and the learned counsel for the respondents 1 and 2;
2. Petitioners filed this Original Petition challenging Ext. P5 order passed by the Joint Registrar. By Ext. P2, an amendment was made to the bye-law of the Society extending the term of the Managing Committee of the Society from three years to 5 years. The learned counsel for the petitioners argued that in the proposed amendment there was a clause for extending the benefit of the above amendment to the existing committee but that was rejected by the general body and as such the present Board of Directors cannot avail of the benefit of the extension of the period. In fact, the above clause was redundant and superfluous. When the period had been extended before the expiry of the period, the benefit of the extension was available to the existing Board of Directors also. The Joint Registrar, after careful examination held that the Board of Directors were entitled to the benefit of the amendment.
3. I find no reason to interfere with the order of the Joint Registrar and the Original petition has only to be dismissed. But the dismissal of the Original Petition shall be without prejudice to the right of the petitioners to approach the appropriate forum, if so advised.