



2025:KER:73776

W.P.(C)No.36767 of 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K. BABU

TUESDAY, THE 7TH DAY OF OCTOBER 2025 / 15TH ASWINA, 1947

WP(C) NO. 36767 OF 2025

PETITIONER:

**THALAPALAM SERVICE CO-OPERATIVE BANK LTD. 3937,
PLASANAL P.O, PALA, KOTTAYAM DISTRICT,
REPRESENTED BY ITS SECRETARY ANIL KUMAR P.P,
S/O. PRABHAKARAN NAIR, AGED 55 YEARS,
RESIDING AT PANACHIKAL HOUSE, KALATHUKADAVU,
KOTTAYAM DISTRICT-, PIN - 686579**

**BY ADVS.
SHRI.P.V.BABY
SHRI.VINEETH P.BABY**

RESPONDENTS:

- 1 SEBASTIAN P. GEORGE,
VETTUKATTIL HOUSE, THALAPPALAM VILLAGE,
KALATHUKADAVU P.O, KOTTAYAM DISTRICT,
PIN - 686579**
- 2 N. T. MATHEW,
NJALAMPUZHA HOUSE, PLASANNAL P.O, THALAPPALAM
VILLAGE, PLASANAL P.O, KOTTAYAM DISTRICT,
PIN - 686579**
- 3 MOHANAN V.K.,
VALIYAMANGALAM HOUSE, PLASANAL P.O, ERATTUPETTA
VILLAGE, KOTTAYAM DISTRICT, PIN - 686579**
- 4 SUBASH GEORGE,**



VARIKANNANICKAL HOUSE, KALATHUKADAVU P.O,
KOTTAYAM DISTRICT, PIN - 686579

- 5 KERALA STATE CO-OPERATIVE ELECTION COMMISSION ,
REPRESENTED BY ITS ADDITIONAL
REGISTRAR/SECRETARY, CO-BANK TOWERS,
3RD FLOOR, VIKAS BHAVAN P.O,
THIRUVANANTHAPURAM, PIN - 695001
- 6 THE ELECTORAL OFFICER,
THALAPALAM SERVICE CO-OPERATIVE BANK LTD. 3937,
PLASANAL P.O, PALA, KOTTAYAM DISTRICT,
PIN - 686579
- 7 THE RETURNING OFFICER,
THALAPALAM SERVICE CO-OPERATIVE BANK LTD. 3937,
PLASANAL P.O, PALA, KOTTAYAM DISTRICT,
PIN - 686579
- 8 SEBASTIAN M.J.,
MOOLECHALIL HOUSE, PLASANAL P.O, KOTTAYAM
DISTRICT, PIN - 686579
- 9 PAYAS KURIAN,
PEMBILLAKUNNEL HOUSE, PLASANNAL P.O, KOTTAYAM
DISTRICT, PIN - 686579
- 0 BENNY THOMAS,
CHOVVATTUKUNNEL HOUSE, KALATHUKADAVU P.O,
KOTTAYAM DISTRICT, PIN - 686579
- 11 SHIBY JOSEPH,
EERURICKAL HOUSE, PLASANAL P.O,
KOTTAYAM DISTRICT, PIN - 686579
- 12 ROJIN THOMAS,
MANDAPATHIL HOUSE, ANJOOTTIMANGALAM P.O,
KOTTAYAM DISTRICT, PIN - 686579
- 13 JAYASREE C.,
CHEMNANKAL HOUSE, PLASANAL P.O,
KOTTAYAM DISTRICT, PIN - 686579
- 14 ANIL KUMAR D.,



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MANJAPALLIYIL HOUSE, PLASANAL P.O, KOTTAYAM
DISTRICT, PIN - 686579

- 15 DIJU SEBASTIAN,
PADINJARAKATHU HOUSE, NARIYANGANAM P.O,
KOTTAYAM DISTRICT, PIN - 686579
- 16 PURUSHOTHAMAN K.S.,
KOTTUPARAMBIL HOUSE, PLASANAL P.O, KOTTAYAM
DISTRICT, PIN - 686579
- 17 JOMI BENNY,
KOCHETTONNIL HOUSE, KALATHIKADAVU P.O,
KOTTAYAM DISTRICT, PIN - 686579
- 18 SREELEKHA S.,
KUMBUNKAL HOUSE, KALATHOOKKADAVU P.O,
KOTTAYAM DISTRICT, PIN - 686579
- 19 DIVAKAN M.R.,
MANGATTUKUNNEL HOUSE, KALATHUKADAVU P.O,
KOTTAYAM DISTRICT, PIN - 686579
- 10 DR. REJI VARGHESE,
MEKKATTU HOUSE, ERATTUPETTA P.O, KOTTAYAM
DISTRIC, PIN - 686579
- 21 KERALA STATE CO-OPERATIVE ARBITRATION COURT
JAWAHAR SAHAKARANA BHAVAN, DPI RD, JAGATHY,
THIRUVANANTHAPURAM, KERALA REPRESENTED BY ITS
SECRETARY, PIN - 695015

BY ADV
SRI. C. M. NAZAR, SC EC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 07.10.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

**CR****K.BABU, J.**-----
W.P.(C) No.36767 of 2025
-----Dated this the 7th day of October, 2025**JUDGMENT**

The challenge in this Writ Petition is to Exts.P8 and P9 orders passed by the Co-operative Arbitration Court, Thiruvananthapuram in ARC No.6/2024. The petitioner is a Co-operative Bank. Election to the Managing Committee of the Co-operative Bank was held on 16.12.2023. Respondent Nos. 1 to 4 and 8 to 20 contested in the election. Respondent Nos. 8 to 20 are the returned candidates.

2. Respondent Nos. 1 to 4, who lost in the election, challenged the election of the returned candidates by filing ARC No.6/2024 before the Co-operative Arbitration Court, Thiruvananthapuram. Based on the objection raised by defendants Nos. 4 to 8 in the Arbitration Case, the Arbitration Court considered the question of maintainability of the election petition. It was contended that the election



petition was filed beyond the statutory period. The last date for filing the election petition was on 15.01.2024, which was declared as a public holiday. Therefore, the election petition was filed on 16.01.2024. Relying Section 10 of the General Clauses Act, 1897, the Arbitration Court held that the election petition was filed within the period of limitation. As per Ext.P8, the objection raised by the defendants was rejected.

3. The learned counsel for the petitioner fairly did not press the challenge to Ext.P8 order. The learned counsel confines the challenge to Ext.P9 order, by which the Arbitration Court directed the petitioner to produce certain documents. The learned counsel for the petitioner submitted that the documents sought to be produced are voluminous in nature and those are not required for the adjudication of the election petition, taking into account the pleadings levelled in the petition.

4. The learned Standing Counsel for the Election Commission submitted that in view of the specific challenge



that the persons outside the jurisdictional limit of the Bank/Society are allegedly included in the final voters list, the documents sought to be produced are highly required for the adjudication of the election dispute. Ext.P1 is the election petition filed by respondent Nos. 1 to 4. There is a specific pleading in Ext.P1 (page No.14 of the Writ Petition) that around 2000 persons included in the final voters' list are from outside the jurisdictional limit of the Bank. Therefore, respondent Nos. 1 to 4 filed Ext.P6 application, wherein the following documents were sought to be produced:

- "1. The original Membership Register of the Bank.
2. The original Identity Card Register maintained by the Bank.
3. Identity Card issue Register of the members of the Bank
4. All decisions taken by the Bank with regard to the conduct of the election in the year 2023.
5. All the enquiry reports communicated to the Bank by the authority including the reports and orders issued under Section 65 and 32(1) of the Kerala Co-operative Societies Act.
6. All election records from the date of notification till the declaration of election including the petitions filed by the members, High Court Orders, decision taken by the Returning Officer, nomination papers, ballot papers, draft voter's list, final voter's list, election declaration etc."



5. The learned Arbitration Court allowed the application on the ground that, as there is allegation to the effect that persons outside the jurisdictional limit of the Bank also voted in the election, the documents sought to be produced are required for a proper adjudication of the matter in dispute.

6. I have carefully gone through the pleadings in Ext.P1 election petition and the grounds canvassed by the petitioner in the Writ Petition. I am of the considered view that the documents directed to be produced are relevant for the adjudication of the dispute based on the pleadings set forth by the parties. There is no irregularities or impropriety in the order impugned (Ext.P9).

7. The learned counsel for the petitioner submitted that a roving enquiry is not permissible in an election petition.

8. The Arbitration Court trying the election petition has to adjudicate the dispute based on the pleadings and for the adjudication of the dispute based on the pleadings, the



Court is required to allow the parties in the dispute to lead relevant evidence.

9. In the trial of an election petition, the Tribunal or the Court concerned is bound to follow, as nearly as may be, the procedure as applicable to the trial of suits under the Code of Civil Procedure, 1908. As per Section 70(3) of the Kerala Co-operative Societies Act, 1969 (for short 'the Act') the Co-operative Arbitration Court shall have the same powers as are vested in a Civil Court while trying a suit. As per Section 70(3)(ii) of the Act, the Arbitration Court can invoke the provisions of Order XI Rule 14 of the Code of Civil Procedure. As per Order XI Rule 14 of the Code of Civil Procedure, it shall be lawful for the Court, at any time during the pendency of any suit, to order the production by any party thereto, upon oath of such of the documents in his possession or power, relating to any matter in question in such suit, as the Court shall think right and the Court may deal with such documents, when produced, in such manner as shall appear just.



10. In view of the fact that the documents sought to be produced are relevant with reference to the pleadings in the Writ Petition, I find no reason to interfere with Ext.P9 order. Therefore, the Writ Petition stands dismissed *in limine*.

11. It is made clear that this Court has not gone into the merits of any of the contentions raised by the parties in the election petition. It is to be noted that the Co-operative Bank has filed this Writ Petition. It is pertinent to note that none of the contesting respondents in the election petition has approached this Court challenging the order requiring production of the documents. It is the Co-operative Bank represented by its Secretary, approached this Court citing difficulties in production of the documents. On this ground also, the Writ Petition lacks merits.

12. The learned counsel for the petitioner, at the end, prayed for granting a month's time to produce the documents.

13. Having regard to the submission, the petitioner is



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granted two weeks' time from this day to produce the documents required by the Arbitration Court.

**Sd/-
K. BABU
JUDGE**

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APPENDIX OF WP(C) 36767/2025

PETITIONER EXHIBITS

- Exhibit P1** **A TRUE PHOTOCOPY OF THE ARC NO. 6/2024 DATED 15/1/2024 BEFORE THE ARBITRATION COURT, THIRUVANANTHAPURAM**
- Exhibit P2** **A TRUE PHOTOCOPY OF THE PRELIMINARY OBJECTION DATED 24/6/2024**
- Exhibit P3** **A TRUE PHOTOCOPY OF THE WRITTEN STATEMENT FILED BY THE RESPONDENTS 4 TO 8**
- Exhibit P4** **A TRUE PHOTOCOPY OF THE STATEMENT FILED BY THE ELECTORAL OFFICER DATED 15/2/2024**
- Exhibit P5** **A TRUE PHOTOCOPY OF THE STATEMENT FILED BY THE RETURNING OFFICER DATED 15/2/2024**
- Exhibit P6** **A TRUE PHOTOCOPY OF THE SAID APPLICATION DATED 21/7/2025 ALONG WITH AFFIDAVIT**
- Exhibit P7** **A TRUE PHOTOCOPY OF THE OBJECTION DATED 5/8/2025**
- Exhibit P8** **A TRUE PHOTOCOPY OF THE ORDER DATED 27/6/2025 IN ARC NO. 6/2024 RENDERED BY THE ARBITRATION**
- Exhibit P9** **A TRUE PHOTOCOPY OF THE ORDER IN IA NO. 1/2025 IN ARC NO. 6/2024 DATED 11/9/2025**