

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

**MA No. 26/2025
CM No. 3438/2025**

**Rajan Malhotra Age: 45 years
S/O Shri Kamal Malhotra
R/O Ward No. 12, Chabutra Bazar
Tehsil & District Udhampur.**

.....Appellant(s)/Petitioner(s)

Through: Mr. Dinkar Gupta, Advocate

Vs

- 1. Ravi Malguria
S/o Lat Sh. Karam Chand Malguria
R/o Housing Colony Udhampur.**
- 2. Sumeer Chand Khajuria
S/o Sh. Vishwa Nath Khajuria
R/o Ward No. 02, Indira Nagar, Udhampur.**
- 3. Parveen Raina
S/o Sh. Devi Dass Raina
R/o Opposite Jay Em Garage Udhampur.**
- 4. Neeraj Gupta
S/o Sh. Rattan Lal
R/o Ward No. 04, Adarsh Colony, Udhampur.**
- 5. Sham Saroop Kalsotra
S/o Lat Sh. Faquir Chand
R/o Ward No. 14, Salain Talab, Udhampur.**

..... Respondent(s)

Through:

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

**ORDER
(04.06.2025)**

01. The petitioner is aggrieved of his unceremonious exclusion from participating in the election of the Associated

Chamber of Commerce & Industries, Udhampur which is a registered society under the Societies Registration Act.

02. The petitioner had put forth his candidature for the post of Treasurer and upon suffering rejection, the petitioner came to file a civil suit for declaration with consequential relief before the court of Principal District Judge, Udhampur wherein by virtue of an order dated 29.04.2025, the petitioner's application for seeking temporary relief/injunction came to be negated thereby bringing the petitioner in the present civil miscellaneous appeal under Order 43 Rule 1(r) of the Code of Civil Procedure, 1908.

03. Mr. Sunil Khajuria, Advocate is on caveat on behalf of the respondents 1 to 3 who constitutes the election committee of the Society, namely, Associated Chamber of Commerce & Industries, Udhampur.

04. It is being informed to this Court that there is another civil suit relatable to the election of the society -Associated Chamber of Commerce & Industries, Udhampur pending before the civil court in District Udhampur meaning thereby the election of society - Associated Chamber of Commerce & Industries, Udhampur has got bogged down in a civil litigation which is not good for the democratic health of a society that too of Associated Chamber of Commerce & Industries of Udhampur which has one

of very vibrant business communities in the UT of Jammu & Kashmir.

05. The concern of everybody including that of a court should be to see that election process of a democratically governed institution or organization should be carried out to its logical end in a free and fair manner as that nurses the overall democratic spirit of the Nation as well by serving the gross-root level democracy and the spirit therewith.

06. Therefore, this Court, in exercise of power under article 227 of the Constitution of India, directs the learned District Judge, Udhampur to appoint a Commissioner, most preferably a retired District & Sessions Judge, to carry out the election process *de-novo* by following the rules and regulations and the bye-laws of the society - Associated Chamber of Commerce & Industries, Udhampur.

07. The learned District Judge, Udhampur in appointing the Commissioner for conducting the election of the society - Associated Chamber of Commerce & Industries, Udhampur in a time-bound manner also to authorize the Commissioner in terms of order of his appointment to conduct the election of society - Associated Chamber of Commerce & Industries, Udhampur as per the latest bye-laws which came to be approved by the majority of the members of the Society in its last meeting

whenever held, notwithstanding the non approval from the Registrar of Societies to the majority approved bye-laws.

08. The District Judge, Udhampur is, therefore, directed to consolidate the two civil suits i.e. the one filed by the petitioner herein and the other one also said to be pending before the same very court and consolidate the same by ordering the election of the society - Associated Chamber of Commerce & Industries, Udhampur and upon conducting of which election, the two suits to be disposed of.

09. ***Disposed of.***

JAMMU
04.06.2025
SUNIL



(RAHUL BHARTI)
JUDGE

सत्यमेव जयते
Whether the order is speaking : Yes / No
Whether the order is reportable : Yes / No