

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Date of Decision:-19.05.2015

COCP No.476 of 2002(O&M)

Shri R. Prasad & Anr.

.....Petitioners.

Versus

Captain D.S. Giare & Ors.

.....Respondents.

AND

COCP No.477 of 2002(O&M)

Captain S.S. Panesar.

.....Petitioner.

Versus

Captain D.S. Giare & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Amandeep Singh Talwar, Advocate for Petitioner(s).

Mr. M.L. Sarin, Senior Advocate assisted by
Mr. Nitin Jain, Advocate for respondents.

JASWANT SINGH, J.(ORAL)

This common order shall dispose of the aforesaid two contempt petitions since they involve similar facts emerging out of the common order dated 03.01.2000 passed by the Revisional Authority-Joint Secretary, Co-operation, Haryana in exercise of powers under Section 115 of the Haryana

Cooperative Societies Act, 1984 and the consequent interim order dated 24.07.2000 passed by the Division Bench of this Court in CWP No.9352 of 2000 and 21/24.7.2000 passed in CWP No.8922 of 2000.

In brief, Mr. S.S. Panesar (**petitioner in CWP No.8922 of 2000**) and R. Prasad and Captain B.K. Bhasin (**petitioners in CWP No.9352 of 2000**) were the members of Indian Airlines Pilot Cooperative House Building Society Limited, Gurgaon. Their membership for certain acts of commission and omission was terminated by the society. The action was challenged before the Deputy Registrar Cooperative Societies, Gurgaon by filing two appeals. The said appeals were allowed vide order dated 22.06.1999 and 13.7.1999 restoring the membership of the aforesaid three members of the society. The Cooperative Society filed two separate revisions under Section 115 of the 1984 Act which were disposed of by common order dated 3.1.2000 thereby setting aside the aforesaid orders dated 22.6.1999 and 13.7.1999 passed by the Deputy Registrar, Cooperative Societies, Gurgaon in favour of the three writ petitioners. The Revisional Authority remanded the case back for fresh decision on the basis of fresh evidence to be led by both the parties since it was noticed that proper opportunity had not been extended to the society while allowing the appeal of the aforesaid three members/petitioners. The review filed by the aforesaid members/petitioners was also dismissed vide order dated 11.5.2000 as being not maintainable. Hence the aforesaid two writ petitions bearing CWP No.8922 of 2000 and 9352 of 2000 came about to be filed wherein while issuing notice of motion interim orders dated 21/24.07.2000 came about to be passed. For ready reference one of the orders is reproduced as under:-

“ *Notice of motion for August 2, 2000.*

Notice regarding stay.

*In the meanwhile, operation of the order
(Annexure P-7) shall remain stayed.*

*Notice be given dasti to the learned Counsel for
the petitioner.*

*To be listed along with Civil Writ Petition
No.8922 of 2000.*

*Copy of this order be given dasti on payment to
the learned Counsel for the petitioner.* ”

Thereafter the Society in its meeting regarding conduct of the business of the society/allotment was not permitting the petitioners to participate as members, the aforesaid two contempt petitions came about to be filed in the backdrop of such allegations with the assertion with the aforesaid interim orders dated 21/24.07.2000 have been willfully violated.

At the time of hearing today, it is pointed out that two of the petitioners namely R. Prasad and B.K. Bhasin have since died, therefore, their Lrs be permitted to be brought on record.

At this stage learned Senior Counsel appearing for the alleged contemnors points out that since the matter primarily is between the Court and the alleged contemnors, no serious prejudice would be really caused to the petitioners in non impleading of the said Lrs.

In aforesaid view of the matter, it is apparent that the effect of the aforesaid reproduced interim order was, in the considered opinion of this Court, only with regard to staying the initiation of fresh proceedings by the Deputy Registrar regarding the issue of rightful expulsion of the

petitioners/members. It certainly did not contemplate that the society in the conduct of its business was to permit the participation of the petitioners as members of the society. Still further, in case the petitioners feel that they were required to be permitted, they were absolutely free to seek any further clarification or further protection by filing an application before this Court in their pending respective writ petitions. This view is fortified by a decision of Hon'ble Supreme Court in similar circumstances reported in para 11 of **Jhareswar Prasad Paul & Anr. Vs. Tarak Nath Ganguly & Ors. (2002)5 Supreme Court Cases 352.**

In view of the aforesaid discussion, this Court finds that there is no willful disobedience by the alleged contemnors and, therefore, the Rule is discharged.

**(JASWANT SINGH)
JUDGE**

May 19, 2015
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