

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.25626 of 2014
Date of decision: 13.10.2015**

K.K. Verma and another

....Petitioners

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH.

Present: Mr. Shiv Kumar, Advocate
for the petitioners.

Mr. Rajneesh Chadwal, DAG, Haryana.

PARAMJEET SINGH, J. (Oral)

The instant petition has been filed for issuance of a writ in the nature of mandamus, directing the respondents to decide the statutory appeal (Annexure P-1) filed by the petitioners before respondent No.3 i.e. Deputy Registrar, Co-operative Societies, Mini Secretariat, Gurgaon, which has been preferred against the order dated 26.08.2010, passed by Assistant Registrar, Co-operative Societies, Gurgaon.

Learned counsel for the petitioner contends that the appeal has been adjourned *sine die* and prior to that, the arguments

were heard by the Competent Authority i.e. respondent No.3.

On the other hand, learned counsel for the State submits that since the civil suit is pending, so, this appeal has been adjourned *sine die*.

I have considered the contentions raised by learned counsel for the parties and perused the record of the case.

Admittedly, the appeal (Annexure P-1) is pending before respondent No.3 i.e. Deputy Registrar, Co-operative Societies, Mini Secretariat, Gurgaon, against the order dated 26.08.2010, passed by Assistant Registrar, Co-operative Societies, Gurgaon, which is a statutory remedy available to the petitioners in accordance with law. Merely on the ground that suit has been filed and the proceedings are pending before the Civil Court, the appeal has been adjourned *sine die*.

Unless, there is a specific order by a superior authority or Civil Court staying proceedings or not to decide the appeal only in those circumstances, the statutory authority is not required to decide the appeal. However, once it is an admitted fact that no stay has been granted by the Civil Court or superior authority, the appeal is required to be decided on merits instead of adjourning the same *sine die*.

In the circumstances mentioned-above, the petition is allowed and respondent No.3, is directed to decide the appeal within three months after effecting service upon the respondents in

the appeal. If there is specific order staying the decision in the appeal only then he would not decide it.

Disposed of, accordingly.

(PARAMJEET SINGH)
JUDGE

13.10.2015
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