

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

RSA No.2913 of 2009 (O&M)

Date of decision : 15.12.2015

The Patran Co-op Agricultural Service Society Ltd.

...Appellant

Versus

Gurpal Singh and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Vijay Sharma, Advocate for the appellant.

Mr. Harish Goyal, Advocate for respondent Nos.1 & 3 to 5.

AMIT RAWAL, J. (Oral)

The appellant-defendant is in Regular Second Appeal against the concurrent findings of fact, whereby suit for declaration and permanent injunction filed at the instance of the plaintiffs, has been decreed and the recovery proceedings initiated by the defendant against the plaintiffs in order to recover the amount from him and cancellation/revocation of resolutions dated 16.03.1994 and 15/18.01.1996 passed by the defendant Society, vide order dated 18.10.2001 passed by the Deputy Registrar of defendant-society has been held to be illegal, null and void and wrong.

Mr. Vijay Sharma, learned counsel appearing on behalf of the

appellant-defendant has raised legal arguments that Society cannot have right of the bad debts or other sum except with the previous sanction of the Registrar and in this context, referred to Rule 30, read with Section 85 Sub-Section 2 of Clause 25 of Punjab Cooperative Societies Act, 1961 & this fact has not been noticed by the trial Court. He further submits that respondent-plaintiff managed to get the resolution passed and in respect of the alleged debt for a partly amount of ₹25,518/-and thus prays that substantial question of law arises for determination.

Mr. Harish Goyal, learned counsel appearing on behalf of respondents-plaintiff submits, that appellant-defendant has failed to disprove/controvert the receipt Ex.P1, which has been signed by one Karnail Singh, much less, even the resolution, noticed above have been passed. It is not the duty of the plaintiff to get the resolution approved from the Registrar. Both the Courts below have concurrently decreed the suit and dismissed the appeal and, therefore, no substantial question of law arises for determination by this Court by invoking provisions of Section 100 of Code of Civil Procedure.

I have heard learned counsel for the parties and appraised the paper book.

The appellant-defendant has not been able to belie the receipt vis-a-vis payment of ₹25,518/-. It was within the domain of the Management of the society to seek approval of the resolution dated 16.03.1994 and 15/18.01.1996 and the cancellation of the order dated 18.10.2001 passed by the Deputy Registrar pales into insignificance as society had not written back to the plaintiff returning the amount so

received in writing and the alleged debt sought to be recovered in pursuance to the award passed by the Arbitrator. Once the society had accepted the amount and had not placed the resolution before the competent authority with the Registrar, in my view, Rules along with provision of the Act would not be applicable and seeking the approval of the resolution is an unilateral Act of the society wherein the respondent-plaintiff had no role to play.

Keeping in view the aforementioned facts and circumstances, I do not intend to differ with the findings rendered by the Courts below, much less, no substantial question of law arises for determination by this Court.

Accordingly, appeal is dismissed.

15.12.2015

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**(AMIT RAWAL)
JUDGE**