

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.1065 of 2015 (O&M)
Date of Decision: July 22, 2015

Abhai Kumar Jain and another

.....Appellants

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.Chandra Kumar Jha, Advocate, for the appellants.

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1. *Whether Reporters of Local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Surya Kant, J. (Oral)

This letters patent appeal assails two orders passed by learned Single Judge, i.e., dated 06.02.2015 whereby the writ petition pertaining to election of Governing Body of S.S.Jain Sabha, Ahmedgarh, Tehsil Malerkotla, District Sangrur, was disposed of and the order dated 27.05.2015 whereby Review Application of the appellants has been dismissed though after clarifying para No.2 of the previous order dated 06.02.2015.

The writ petition was filed by S.S.Jain Sabha-a Society registered under the Societies Registration Act, 1860, through one Satish Kumar Jain. The appellants were impleaded as respondents in the writ petition. S.S.Jain Sabha had challenged the order dated 24.05.2013 passed by Deputy

Commissioner, Sangrur, whereby Naib Tehsildar, Ahmedgarh was appointed as Administrator of the Society and also to conduct the election of the Society.

It is noticed in the order passed by learned Single Judge that the order of Deputy Commissioner was stayed by this Court on 14.06.2013 and as such, the petitioner-Sabha was allowed to continue to run the affairs of Society.

Meanwhile, the writ-petitioner-Sabha is said to have conducted a fresh election.

It was in this backdrop that the learned Single Judge disposed of the writ petition leaving it open for any person aggrieved by subsequent election to file an election dispute in the manner contemplated by provisions of the Societies Registration Act, as applicable in the State of Punjab.

The aggrieved appellants filed Letters Patent Appeal No.621 of 2015 which they withdrew on 27.04.2015 with liberty to move an appropriate application before the learned Single Judge.

The appellants thereafter filed Review Application which has been dismissed by learned Single Judge vide order dated 27.05.2015 clarifying that the subsequent election held by the Sabha can be challenged independently and if any interim order of this Court was violated while conducting such election, the appellants can initiate contempt proceedings.

In the light of the above-mentioned clarification given by the Single Judge, we are satisfied that no further direction in this appeal is required to be issued. Suffice to observe that the appellants shall be at liberty to question the subsequent election before an appropriate forum who shall consider such plea in accordance with law.

With liberty afore-mentioned, the appeal stands disposed of.

[SURYA KANT]
JUDGE

July 22, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE

CM No.2215 of 2015 in
LPA No.1065 of 2015

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Abhai Kumar Jain and another vs. State of Punjab and others

Present : Mr.Chander Kumar Jha, Advocate,
for the applicant-appellants.

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For the reasons mentioned in the application, the
same is allowed subject to all just exceptions and 127 days'
delay in filing the appeal is condoned.

CM stands disposed of.

(SURYA KANT)
JUDGE

July 22, 2015
mohinder

(P.B.BAJANTHRI)
JUDGE