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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 4211/2014**

**JAGJIWAN COOPERATIVE HOUSE BUILDING SOCIETY LTD.
IIND GROUP** Petitioner

Through : Mr. Rakesh Munjal, Sr. Adv. with
Mr. Rakesh Kumar, Advocate.

Versus

REGISTRAR COOPERATIVE SOCIETY AND ANR....Respondents

Through : Mr. Satyakam, ASC for R-1.
Mr. Sandeep Aggarwal, Mr. Sudhir
Kumar Gupta and Mr. Manish Gupta,
Advocates.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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07.04.2016

CM APPL. 31302/2015 in REVIEW PET. 606/2015

This is an application seeking condonation of 80 days delay in filing the present review petition.

We are not satisfied with the grounds seeking condonation of delay as the grounds raised are not cogent. They are neither supported by any documents nor they are bona fide. However, since we have heard Mr. Rakesh Munjal, Sr. Advocate on merits, we condone the delay in filing the review petition.

Mr. Rakesh Munjal, Sr. Advocate appearing on behalf of the review petitioner submits that in the order dated 26.08.2015 it has been noticed that

Financial Commissioner had observed that “*petitioners are first required to prove their bonfides and show that they are members of the society of which they are seeking division*”. However this was in fact a submission of counsel for the respondent and not part of the order of the Financial Commissioner. Other grounds have also been raised in the review petition.

Heard.

In the order dated 26.08.2015 passed by this court, we had noticed that after detailed hearing in the matter, the learned counsel for the petitioner had stated that he would approach the Registrar of Co-operative Societies to satisfy him with regard to the genuineness of the members of the society. While we agree that the submissions of Mr. Munjal, learned Senior Counsel that the statement attributed to the Financial Commissioner was in fact a submission made by the counsel but that would have no bearing to the order dated 26.08.2015 as we recollect that the matter was heard for more than an hour and when we were at the verge of dismissing the petition, the counsel had made a statement. Merely because there is change of counsel, the order cannot be recalled.

We find no grounds to entertain this review petition. The same is accordingly dismissed.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

APRIL 07, 2016/sc

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