

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.299 of 2016 (O&M)

Date of Decision: February 26, 2016

Manav Goel and others

.....Appellants

versus

The District Registrar, Firms and Societies and others

.....Respondents

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

Present: Mr.Raj Kumar Gupta, 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 is directed against the orders dated 18.01.2016 and 19.02.2016 whereby learned Single Judge has disposed of the writ petition with a direction that the election of the Governing Body of Sri Gaushala Society (Registered), G.T.Road, Panipat be held, permitting all the Members to participate in the election process except those 71 persons who were enrolled on 24.01.2012 and who were required to get the genuineness of their membership determined through the process of civil suit. Vide the second order, Review Application filed by the appellants seeking to recall the above-stated order has been dismissed.

We have heard learned counsel for the appellants at a considerable length and gone through the records.

At the outset, we are constrained to observe that such like writ petitions pertaining to disputes amongst the members, voters or office-bearers of private societies registered under the Societies Registration Act and/or under any other Statute, need not be entertained by this Court in exercise of its writ jurisdiction. Thousands of cases of those languishing in jails, of matrimonial disputes, custody of children, atrocities on women, rights of senior citizens etc. etc. are awaiting their turn, hence such like luxury litigation invariably at the behest of local politicians or power hungry people should not additional burden this Court.

The instant appeal too is no exception where parties are frequently litigating to take control over a Gou-shala.

Adverting to the facts of the case in hand, it emerges from the orders passed by this Court in CWP No.2425 of 2012, decided on 21.01.2015 as well as the two orders under appeal that there exists a dispute over the genuineness of 71 members of the Society who were enrolled on 24.01.2012. They were earlier granted liberty to approach the Civil Court for determination of validity and genuineness of their membership.

As no such determination has taken place so far, the learned Single Judge vide the impugned orders has not permitted them to participate in the election process. He has further directed and rightly so that since the term of the elected-body had expired and presently an adhoc Governing Body is running the affairs, that the election of the Society need to be held in a time-bound manner.

Learned counsel for the appellants states that a civil suit is already pending though filed by the other party. If that is so, we direct the learned Civil Court to make an endeavour to decide that suit at the earliest and preferably within six months and if any issue regarding validity of membership of 71 members has also been formulated, let the same be specifically adjudicated. Meanwhile, the election, as directed by the learned Single Judge be held though its fate shall depend upon the outcome of the civil suit.

The appeal stands disposed of accordingly.

[SURYA KANT]
JUDGE

February 26, 2016
mohinder

[P.B.BAJANTHRI]
JUDGE