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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1373/2016 & CM Nos. 5981-5982/2016 & 8170/2016**
LUCKY HOME CO-OPERATIVE GROUP HOUSING SOCIETY
LTD. Petitioner

Through Mr. Ravi Bassi, Advocate.

versus

THE REGISTRAR CO-OPERATIVE SOCIETIES & ANR.
..... Respondents

Through Mr. K. Venkataraman, Ms. Anusha Ojha,
Mr. Uday Chaushan & Ms. Sunita Bansal,
Advocates for respondent Nos. 1 and 2.
Mr. Attin Shankar Rastogi, Advocate for
Intervener.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MS. JUSTICE SUNITA GUPTA

% **ORDER**
11.07.2016

After some hearing, learned counsel for the petitioner seeks liberty to withdraw the present writ petition and approach the appellate authority. He, however, submits that interim order passed on 19th February, 2016 by which appointment of the Administrator has been stayed may be continued for a period of six weeks in order to enable the petitioner to file an appeal along with an application for stay.

We take the statement made by the counsel for the petitioner on record and the present writ petition is dismissed as withdrawn with liberty as prayed. If an appeal is preferred within four weeks from today, the same

will not be dismissed on the ground of limitation. The interim order passed on 19th February, 2016 will continue for a period of six weeks from today.

Counsel for the petitioner has also stated that the petitioner may like to challenge the constitutional validity of Section 37 of the Delhi Cooperative Societies Act, 2003. He states that the withdrawal of the present writ petition would not be treated as a ground, which would bar or prohibit the petitioner from filing the said writ petition. We take the said statement also on record. If and when a writ petition challenging the constitutional vires is filed, the same will be considered in accordance with law.

Learned counsel for the petitioner has also expressed their apprehension that the stay application may not be taken up for consideration within six weeks. If that be so, it will be open to the petitioner to move an application before this Court for extension of the stay order.

In view of the aforesaid order passed, the application under Order I Rule 10 CPC is rendered infructuous.

The writ petition and all pending applications are disposed of.
DASTI.

SANJIV KHANNA, J.

SUNITA GUPTA, J.

JULY 11, 2016
VKR