

\$~17, 18 & 19

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

+ LPA 812/2012

SUNIL KAPUR

..... Appellant

Through: Mr. Kailsah Vasdev, Sr. Advocate
alongwith Ms. Nandini Sahni, Ms.
Ekta Mehta and Mr. Shreya,
Advocates.
Ms. Kiran Suri, Sr. Advocate
alongwith Mr. Purvesh Buttan, mr.
Fahad Imtiaz and Mr. Gautam Kumar,
Advocates.
Mr. Ashok Sethi, Advocate alongwith
Mr. Sachin Garg, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY & ORS Respondents

Through: Mr. Rakesh Kumar, Advocate for R-2.
Ms. Nandni Sahni, Advocate for R-3.

And

+ LPA 270/2013

KIRTI MOHAN SAKLANI

..... Appellant

Through: Ms. Kiran Suri, Sr. Advocate
alongwith Mr. Purvesh Buttan, mr.
Fahad Imtiaz and Mr. Gautam Kumar,
Advocates.

versus

DELHI DEVELOPMENT AUTHORITY & ANR Respondents

Through: Mr. Rakesh Kumar, Advocate for R-2.
Ms. Nandni Sahni, Advocate for R-3.

And

+ LPA 468/2013 & CM Nos. 10086/2013 & 10088/2013

MR. R V BHASIN

..... Appellant

Through: Ms. Kiran Suri, Sr. Advocate
alongwith Mr. Purvesh Buttan, mr.
Fahad Imtiaz and Mr. Gautam Kumar,
Advocates.

versus

D D A AND ORS

..... Respondents

Through: Mr. Rakesh Kumar, Advocate for R-2.
Ms. Nandni Sahni, Advocate for R-3.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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13.01.2016

The present appeals are directed against the common judgment and order in two writ petitions (W.P.(C) No. 2934/1996, 8159/2010). The dispute is a cornered one-between LR's of Late Ram Kumar Kapur on one hand and the LR's of Mr. R.V. Bhasin and Mr. K.M. Saklani on the other. It relates to the entitlement of Plot No. 10/10, Sarv Priya Vihar, New Delhi. In the operative portion of the common judgment and order, the learned Single Judge stated as follows:

“23. In view of the afore-noted fluid factual position and peculiar circumstances, the above captioned petitions are disposed of, while leaving the parties to agitate their claims by relying upon above cited decisions before Registrar, Cooperative Societies, Delhi or respondent-Society as the case may be. It

would be open to petitioner-K.M. Saklani to establish before the appropriate forum under Delhi Cooperative Societies Act, 1972 that probate proceedings have abated and if it is so found, then membership issue of Late Ram Kumar Kapoor be promptly resolved by respondent-Society and if need be, by Registrar, Cooperative Societies, Delhi.

24. Needless to say, any observation made in this decision shall have no bearing on merits when the issue of society membership of Late Ram Kumar Kapoor is considered by the respondent-Society or Registrar, Cooperative Societies, Delhi, after hearing the affected parties including petitioner-K.M. Saklani whose right for consideration of his claim for allotment of subject plot is required to be considered with an expedition, i.e. preferably within a period of one year.”

Apparently, both LR's of Sh. Ram Kumar Kapur and Sh. R.V. Bhasin later approached the Registrar who by order dated 05.08.2013 observed that the present appeals are pending; accordingly he adjourned all proceedings *sine die*. In those proceedings- Mr.Saklani has not made any representation before the Registrar. In these circumstances, the Registrar is hereby directed to consider the claims of all parties and render decision through a speaking order on the merits. The Registrar shall also deal with the representation/claim by Mr Saklani, if made within three weeks, without insisting that he should approach the society in the first instance.

The Registrar is hereby directed to ensure that a final decision is taken within four months from today. The parties shall appear before the Registrar on 28.01.2016. It is also open to the parties to file such

further documents and pleadings as are necessary.

Society shall maintain the status quo with regard to the title and possession of the plot, till further disposal of the dispute by an order of the Registrar.

The appeals are disposed of in the above terms.

Order *dasti*.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

JANUARY 13, 2016

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