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

+ C.R.P. 197/2016 & CM Nos.45303-304/2016

DR PHILIP THANGLIENMANG Petitioner
Through Mr.A.K.Trivedi and Mr.Abhishek
Tiwari, Advocates

versus

THE NAVAL TECHNICAL OFFICERS COOPERATIVE GROUP
HOUSING SOCIETY LTD Respondent
Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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16.12.2016

By the present petition under section 115 of the CPC the petitioner seeks to impugn the order dated 2.9.2016 by which an application filed by the petitioner under Order 7 Rule 11(d) read with section 151 CPC was dismissed. The respondents have filed a suit seeking decree for permanent injunction against the petitioner restraining him from threatening the entire managing committee of the respondent society and further from restraining the petitioner from entering into the society premises by creating undue pressure upon the police officers by abusing his official position.

The stand of the petitioner is that the suit is barred under section 132 of the Delhi Co-operative Societies Act, 2003. There is a dispute regarding the membership of the petitioner in the respondent society. The petitioner states that the arbitration proceedings are also pending. He submits that while adjudicating upon the present suit filed by the respondents invariably the issue of membership of the petitioner would arise and the civil court

cannot adjudicate upon the legality and validity of the membership of the petitioner society.

The trial court by the impugned order noted the provisions of section 132 and 70 of the co-operative Societies Act and held that the present suit is not covered by the said section and dismissed the said application.

Section 132 bars jurisdiction of civil and revenue courts in respect of registration of a co-operative society, removal of the committee, disputes required under Section 70 and any matter concerning the winding up and the dissolution of the society. Section 70 says that any dispute touching the Constitution, Management or the business of co-operative society etc. shall be referred to the Registrar for decision and no court shall have jurisdiction to entertain any suit.

Clearly, a suit filed as above for permanent injunction to restrain the petitioner as stated above cannot fall into the category stated in section 132 or section 70 of the Delhi Cooperative Societies Act.

There is no infirmity in the impugned order. Petition is dismissed. All pending applications, if any, also stand disposed of.

JAYANT NATH, J

DECEMBER 16, 2016

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