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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 7081/2015, CM No. 29908/2015, CM No. 30017/2015 & CM
Nos. 3681-3682/2016.

NISHA GUPTA

..... Petitioner

Through: Mr. Sharad Bansal, Advocate
alongwith Mr. Samir Malik,
Advocates.

versus

THE REGISTRAR, CO-OPERATIVE SOCIETIES & ORS

..... Respondents

Through: Mr. Santosh Kr. Tripathi, A.S.C. for
R-1 & R-2.
Mr. Sudesh Ranjan Singh, Advocate
for R-3,4 and 5.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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29.02.2016

The petitioner's grievance is that vide the Arbitral Award dated 26.11.2007, her membership as a successor/nominee of an erstwhile deceased member, has not been acted upon so far and she has been denied possession of the flat by respondent society. The applicant in CM Nos. 30017/2015 and 3681/2016 submits that she is the *bona fide* allottee of the flat in question. The said applicant contends that the predecessor-in-interest i.e. the writ petitioner's husband, late Sh. Arun

Gupta, was disqualified and declined membership in 1981 and that such order attained finality. After that event, it is asserted that the applicant was validly allotted the flat of the Society of which she is an occupant. The said applicant further urges that she has preferred the appeal being Appeal No. 37/2016 before the Delhi Cooperative Tribunal against the award which decided the present writ petitioner's right. The applicant further urges that she was in the dark about the award since she was not impleaded as a party in the arbitration proceedings.

In light of the contentions made, this Court is of the opinion that Appeal No. 37/2016 should be decided in accordance with law particularly on the merits as to who is lawfully entitled to flat in question. The Tribunal is directed to dispose of the said appeal expeditiously and preferably within four months from today.

The writ petition is disposed of in the above terms.

The status quo with respect to the title and possession of the flat in question shall be maintained till the disposal of the appeal.

Order *dasti*.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

FEBRUARY 29, 2016

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