

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

209

**RSA No.2487 of 2011 (O&M)
Date of Decision : 04.12.2017**

The Sariana Co-operative Agricultural Service
Society Limited Sariana

..... Appellant

Versus

The Registrar, Co-operative Societies,
Punjab, Chandigarh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Manish Dadwal, Advocate
for the appellant.

Mr. D.V.Sharma, Senior Advocate with
Ms. Shivani Sharma, Advocate
for respondents No.2 and 3.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing the suit filed by the appellant.

The appellant had filed a suit against respondent No.1-The Registrar, Co-operative Societies, Punjab, Chandigarh, respondent No.2-Narinder Pal Singh and respondent No.3-Satish Kumar for mandatory injunction directing them to pay an amount of Rs.1,10,000/- odd. The grounds taken were that the respondent No.3 had been dismissed but the respondent No.2 illegally reinstated him and gave him about Rs.65,000/- as salary and had further made defalcations of about Rs.45,000/- odd and that is why the suit for mandatory injunction was filed.

In reply the respondents had pointed out that the appellant had not come to the Court with clean hands. It was mentioned that as regards the service dispute with the respondent No.3 the termination orders were set aside upto this Court and it was only when the respondent No.3 had filed a contempt petition that the arrears were released to him. As regards the other defalcations it was stated that firstly a suit for mandatory injunction was not maintainable since other remedies were provided under the Punjab Co-operative Societies Act, 1962. It was further pointed out that the appellant had availed all those remedies and its claims had been rejected by the competent authority. These facts were found to be correct by the Courts below.

Learned counsel for the appellant has not been able to show me how these facts are wrong.

Appeal is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(**AJAY TEWARI**)
JUDGE

04.12.2017
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Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No