

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.2101 of 2015

Date of Decision: 13.07.2017

Bakshish Singh

... Appellant

Versus

President, The Bhallari CASS Ltd.
Bhallari and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Naveen Batra, Advocate,
for the appellant.

RAJIV NARAIN RAINA, J.(Oral)

A civil suit by a non-member of a Cooperative Society registered under the Punjab Cooperative Societies Act, 1961 ("1961 Act") would be maintainable only after taking permission from Registrar of Society. The Courts have held that the suit was barred under Section 82 of the 1961 Act. The plaintiff was a surety to loan taken by the society and, therefore, stepped into his shoes for purposes of recovery. It is true that only disputes between member and society is covered by Section 55 of the 1961 Act. The only way to maintain a suit by a non-member surety is to take permission from the Registrar of Society before instituting a civil suit. Admittedly permission was not taken from the Registrar and, therefore, the bar operates.

Accordingly, no question of law much less substantial arises in this appeal for the consideration of this Court. The view taken by both the

Courts below concurrently is free of doubt.

The appeal stands dismissed.

(RAJIV NARAIN RAINA)
JUDGE

13.07.2017
manju

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*