

\$~14 to 16 (Common order)

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

+ W.P.(C) 2711/2013 & C.M. Nos.10310/2014, 40873/2016,
20450/2017

BISHAN SARUP AND ORS

..... Petitioners

Through: Mr. Rajesh Aggarwal, Advocate.

versus

REGISTRAR COOPERATIVE SOCIETIES & ORS

..... Respondents

Through: Mr. Anuj Aggarwal, ASC, GNCTD with
Mr. Shryan Das, Advocate for R-1.
Mr. Rajat Aneja & Ms. Vandana Aneja,
Advocates for R-3 to 13.
Mr. Sunil Sabharwal, SC, DCHFL/R-14.
Mr. S.K. Sharma, Advocate for R-15.

WITH

+ W.P.(C) 5905/2013 & C.M. Nos.13024/2013, 25265/2017

BISHAN SARUP & ORS

..... Petitioners

Through: Mr. Rajesh Aggarwal, Advocate.

versus

REGISTRAR CO-OPERATIVE SOCIETIES & ORS

..... Respondents

Through: Mr. Anuj Aggarwal, ASC, GNCTD with
Mr. Shryan Das, Advocate for R-1.
Mr. S.K. Sharma, Advocate for R-2.
Mr. Rajat Aneja & Ms. Vandana Aneja,
Advocates for R-3 to 13.

AND

+ W.P.(C) 6856/2013 & C.M. Nos.14859/2013, 25262/2017

GIRISH CHANDRA SIRKECK

..... Petitioner

Through: Mr. Paritosh Anil & Mr. Rakesh Sharma,
Advocates.

versus

REGISTRAR OF CO-OPERATIVE SOCIETIES & ORS.

..... Respondents

Through: Mr. Naushad Ahmed Khan, ASC, GNCTD
with Ms. Kanika Srivastava, Adv. for R-1.
Mr. Rajat Aneja & Ms. Vandana Aneja,
Advocates for R-3 to 13.
Mr. Sunil Sabharwal, SC, DCHFL/R-14.
Mr. S.K. Sharma, Advocate for R-15.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **18.09.2017**

1. On 21.07.2017, learned counsels for the parties had stated in unison that with much difficulty, they were able to arrive at an out of court comprehensive settlement in respect of the disputes raised in these petitions and several other cases which are pending between the parties before other fora. They had stated that the broad terms and conditions of the settlement arrived at, were that each of the petitioners in all the three cases shall deposit a sum of Rs.1 lac with the General Staff Co-operative Group Housing Society, of which

petitioners and the respondents are members. Out of the said amounts, a sum of Rs.50,000/- was agreed to be released by the Society in favour of each of the respondent Nos.5, 6, 8, 10 & 13 in W.P. (C) No.2711/2013. It was further agreed that the balance amount shall be retained by the Society for being used for common purposes. In addition to the above, the parties had agreed that some of the respondents who are also members of the Society, shall deposit a consolidated amount of Rs.8 lacs with the Society.

2. Though learned counsel for the parties had stated that the draft Settlement Agreement had been approved by the Managing Committee of the Society on 25.06.2017 and the Agreement was finally executed by the parties on 27.06.2017, we had expressed an opinion that the said decision taken by the Managing Committee, must be ratified by the General Body of the Society, particularly in view of the fact that a part of the amount agreed to be deposited by some of the members, was first to be transferred in favour of the Society and thereafter, released by the Society in favour of other members.

3. Learned counsel for the parties state that pursuant to the order dated 21.07.2017, an Extraordinary General Body Meeting of the Society was convened on 13.08.2017 and the decision of the Managing Committee has been ratified. The Minutes of the said Meeting have been enclosed with the affidavit dated 21.08.2017, filed by the Secretary of the Society.

4. Paragraph 11 of the Minutes of the Meeting of the Society,

records that all the members of the Society have ratified and approved the decision of the Managing Committee dated 25.06.2017 and the Settlement Deed dated 27.06.2017. While taking on record the aforesaid affidavit and documents enclosed therewith, the present petition is disposed of, in terms of the settlement recorded in the Settlement Deed dated 27.06.2017. The parties shall remain bound by the terms and conditions of the said settlement. The applications filed under Order XXIII Rule 3 CPC are allowed.

5. At this stage, learned counsel for the parties state that the petitioners in W.P. (C) Nos.2711/2013 and 5905/2013 may be permitted to approach the RCS for release of the amounts deposited by them in terms of the orders dated 24.09.2013, 25.09.2013 and 27.09.2013 passed in these proceedings along with interest, if any, accrued thereon.

6. The petitioners are granted leave to approach the RCS for release of the amounts deposited by them in terms of the aforesaid orders.

7. It is further stated that LR No.(i) of the deceased petitioner No.4 in W.P. (C) No.2711/2013 has been authorized by the remaining legal heirs No. (i) to (v) to collect the amounts deposited by the deceased petitioner No.4, with the RCS. The RCS is directed to release the said amounts payable to petitioner No. 4(i) to (v) to the petitioner No. 4(i). The amounts deposited by the aforementioned parties shall be released by the RCS within four weeks from the date they approach the office of the RCS with a copy of this order.

8. Similarly, it is directed that if the petitioner in W.P.(C) No.6856/2013 has deposited any amount in the Registry, in compliance of the order dated 27.11.2013, he shall be entitled to approach the Registry for release of the said amount along with interest, if any, accrued thereon, through his counsel.

9. The petitions are disposed of along with the pending applications. No orders as to costs.

HIMA KOHLI, J.

DEEPA SHARMA, J.

SEPTEMBER 18, 2017
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