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

+ W.P.(C) 7848/2017 and CM APPL. 32460-32461/2017

A K SRIVASTAVA AND ANR Petitioners
Through: Mr. G.L. Verma, Advocate

versus

DELHI COOPERATIVE TRIBUNAL AND ANR Respondents
Through: Mr. Santosh Kumar Tripathi, Advocate
with Mr. Rizwan, Advocate for R-2/RCS.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER
% **06.09.2017**

1. The present petition has been filed by the petitioners assailing an order dated 31.08.2017 passed by the learned Delhi Cooperative Tribunal on an appeal preferred by Shri O.P. Nirwan and others, whereby the Deputy Registrar has been restrained from passing any order on the claim petition filed by the petitioners herein.
2. Pertinently, the petitioners have not impleaded Shri O.P. Nirwan and others or the House Building Society as respondents in the present proceedings. Counsel for the respondent No.2/RCS clarifies that Shri O.P. Nirwan is the President of the Executive Committee of Jansewak Cooperative Group Housing Society.
3. A perusal of the impugned order reveals that the next date fixed before the Delhi Cooperative Tribunal is 13.10.2017. We have enquired

from learned counsel for the petitioners as to whether any steps have been taken by them till date to seek vacation of the ex-parte interim order granted by the respondent No.1/Tribunal. The reply is in the negative.

4. Counsel for the petitioners has no explanation to offer as to why Shri O.P. Nirwan and others, appellants in Appeal No.104/2017/DCT and the Society have not even been arrayed as respondents in this petition.

5. We decline to entertain the present petition when the petitioners have a remedy of approaching the Tribunal for seeking vacation of the ex-parte order dated 31.08.2017.

5. The petition is disposed of alongwith the pending applications.

HIMA KOHLI, J

DEEPA SHARMA, J

SEPTEMBER 06, 2017

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