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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 4114/2017 & CM No. 18021/2017 (stay)
EKTA VIHAR CO-OPERATIVE GROUP HOUSING SOCIETY
LTD. Petitioner
Through Mr. K. Datta and Mr. Rohan Malik,
Advocates.
versus
REGISTRAR CO-OPERATIVE SOCIETIES & ORS
..... Respondents
Through Mr. Shaukeen Jaskaran Singh,
Advocate for respondent No. 1.
Ms. Amrita Sanghi and Mr. Akshay
Sharma, Advocates for respondent
No. 2 along with respondent No. 2.
Mr. R.K. Gupta, Advocate for
respondent No. 3.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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06.02.2018

The present petition essentially relates to the dismissal of a revision petition being Case No. 50/2011-CA titled as “*Ekta Vihar Co-operative Group Housing Society Ltd. vs. Registrar of Co-operative Societies & Ors.*”, instituted on behalf of the petitioner society, for want of prosecution, by the learned Financial Commissioner, Delhi vide order dated 29th September, 2016.

It further assails an order dated 11th April, 2017, whereby, an application being Case No. 285/2016, seeking restoration of the said Case No. 50/2011-CA, also came to be dismissed by the learned Financial Commissioner, Delhi.

From a perusal of the impugned orders as well as the petition paper book and after hearing learned counsel appearing on behalf of the parties, it is evident that the *lis* between them, namely, whether the respondents were members of the petitioner society or not, has not been finally determined by the learned Financial Commissioner in the said Case No. 50/2011-CA.

It is needless to state that the consequences of the negligence of the learned counsel for petitioner cannot be permitted to visit the parties.

In this view of the matter, the writ petition is allowed and the impugned orders are set aside, subject to payment of Rs.25,000/- as costs by the petitioner society to the respondents, within a period of one week from today.

The said Case No. 50/2011-CA is restored to the file of the learned Financial Commissioner, with a direction to dispose of the same after hearing the parties, in accordance with law, within a period of 30 days from the date on which it is first listed before the competent Court; without granting any unwarranted adjournments to the learned counsel for the parties.

Needless to state that Case No. 50/2011-CA shall be determined on its own merits, from the stage at which the same came to be dismissed for want of prosecution.

In the first instance, list the matter before the learned Financial Commissioner on 19th February, 2018.

Parties are directed, either by them or through counsel, to remain present before the learned Financial Commissioner on that date and no fresh notices would be required to be issued to them in this behalf.

With the above directions, the writ petition is disposed of. Pending application also stands disposed of.

Copy of this order be sent to the learned Financial Commissioner for information and compliance.

SIDDHARTH MRIDUL, J

DEEPA SHARMA, J

FEBRUARY 06, 2018

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