

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

**CWP No.3350 of 2017(O&M)
Date of decision : 06.02.2019**

Shiv Kumar Sharma and others

..... Petitioners

versus

**Registrar General, Firms and Societies
and others**

..... Respondents

**CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. V.D.Sharma, Advocate for the petitioners.

Mr.Siddharth Sanwaria, DAG, Haryana.

Mr. Aman Vashisth, Advocate
for respondents No. 4 to 6.

TEJINDER SINGH DHINDSA, J. (ORAL)

The petitioners herein filed a petition under Sections 21, 35 and 40 of the Haryana Registration and Regulation of Societies Act, 2012 before the District Registrar of Societies, Rohtak, raising an issue of induction of 22 new members in the Vardey Devi Education Society, Village and Post Office, Sampla, District Rohtak by asserting that signatures on certain resolutions had been forged.

The District Registrar of Societies, Rohtak vide order dated 15.01.2016 (Annexure P-5) took a view that since a complaint under Sections 408, 420, 467, 468, 471, 506 and 120-B IPC against the office bearers of the society is pending before the Chief Judicial Magistrate, Jind titled as 'Shiv Kumar Sharma v. Hari Kishan Sharma and another' and the

allegations of forged signatures have also been raised in the complaint and coupled with the fact that the society has also filed a suit for permanent injunction against the petitioners herein, it would not be justifiable to entertain the petition that had been filed. The petitioners thereafter approached the State Registrar of Societies, Haryana and the Registrar General of Societies, Haryana who took the same line of reasoning in terms of passing of orders dated 31.05.2016 and 18.11.2016, Annexures P-6 and P-7 respectively.

The instant writ petition has been filed assailing the afore-noticed orders Annexures P-5, P-6 and P-7.

During the course of hearing today Court has been apprised that insofar as the criminal complaint filed by the petitioners is concerned, the office bearers have since been discharged by the concerned court vide order dated 27.07.2018. Further more, the suit for permanent injunction that had been instituted by the office bearers against the present petitioners has been dismissed in default on 10.09.2018. Counsel representing respondents No. 4 to 6 conceded on a query having been put that no application has been filed till date seeking restoration of the suit.

It, therefore, clearly emerges that there shall be no impediment now for the District Registrar of Societies, Rohtak to adjudicate on the petition that had been filed by the present petitioners and to pass orders on merits after affording an opportunity of hearing to the parties concerned.

In view of the above, the impugned orders dated 15.01.2016, 31.05.2016 and 18.11.2016 Annexures P-5, P-6 and P-7 respectively are set aside.

The matter is remanded back to the District Registrar of

Societies, Rohtak to proceed further in the matter and decide the lis on merits and in accordance with law.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

06.02.2019
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No