

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

LPA No.1388 of 2017 (O&M)

Date of Decision : 17.01.2019

Hisar D.N.College Hisar Cooperative Society Ltd.
Hisar and others

....Appellants

Versus

Additional Chief Secretary to Government of
Haryana and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE LALIT BATRA

Present : Mr.Ashok Kumar Khubbar, Advocate
for the appellants.

MAHESH GROVER, J.(O)

The appellants are aggrieved by the order of the learned Single Judge dated 10.03.2017.

We may notice the facts in brief. In the year 2003 an amalgamation was ordered amongst three cooperative societies, namely The Hisar D.N.College Staff Cooperative House Building Society Ltd.Hisar, The Hisar Janta Coop. House Building Society Ltd. Hisar and The Hisar Citizen Cooperative House Building Society Ltd. Hisar into the Nirman Cooperative House Building Society, Hisar, after a resolution was passed by the desirous constituents to that effect. The procedure ought to have been adopted under Section 13 of the Haryana Cooperative Societies Act, 1984 (in short 'the Act'), according to the appellants in such a situation of voluntary amalgamation. However, an order under Section 14 of the Act was passed which in fact envisages a compulsory amalgamation at the behest of the Registrar Cooperative Societies. This was challenged by way of a revision petition which was dismissed on 26.07.2006 on account of default in appearance.

An application to set aside this order was moved on 19.12.2013 which also resulted in dismissal leading to writ proceedings where the learned Single Judge declined interference, noticing the aforesaid default in making the application for revival of the revisional proceedings after a lapse of 3 years and further noticing that in the absence of any restraint order in the writ proceedings and with the efflux of time the cause espoused in the proceedings had been rendered illusory, particularly when no prejudice had been shown to have been caused to the appellant.

We do not find any reason to differ with the findings of the learned Single Judge on this logic and are further of the opinion that the appeal is in fact a luxury litigation indulged into by the appellants. In the backdrop of the circumstances, we do not wish to comment on the legitimacy of the legal proposition raised by the appellants but leave it open to be tested in appropriate proceedings.

Besides, the appeal is barred by an inordinate delay of 96 days.

Dismissed.

(MAHESH GROVER)
JUDGE

17.01.2019
dss

(LALIT BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No