

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

CWP No. 19085 of 2018(O&M)

Date of decision:02.04.2019

M/s Divjot Enterprises through its proprietor Balwinder Singh

... Petitioner

Vs.

Ludhiana District Cooperative Milk Producers Union Limited and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Akshay Bhan, Senior Advocate assisted by
Mr. Vaibhav Sehgal, Advocate for the petitioner.

Mr. D.V. Sharma, Senior Advocate with
Ms. Shivani Sharma, Advocate for respondent No.1.

AMIT RAWAL J. (Oral)

CM-1091-2019 in CM-18108-2018 in CWP-19085-2018

Civil miscellaneous application is allowed.

Documents Annexure Z1 to Z4 are taken on record subject to

all just exceptions.

Main Case

The present writ petition is at the instance of the petitioner who is aggrieved on an action taken by the society invoking the provisions of Punjab Cooperative Society Act emanating from an agreement dated 09.03.2015 (Annexure P-4). In the proceedings, an application under Order 14 Rule 2 of the Code of Civil Procedure challenging jurisdiction of the Registrar came to be decided vide order dated 30.07.2018, the petitioner has approached this Court for vindication of the grievance.

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Mr. Akshay Bhan, learned senior counsel assisted by Mr. Vaibhav Sehgal for the petitioner submits that as per the averments made in paragraph 3-R he has approached this Court.

Mr. Sharma, learned senior counsel assisted by Ms. Shivani Sharma submitted that application under Order 14 Rule 2 CPC was decided vide order dated 30.07.2018 and against the same petitioner has preferred revision under Section 69 of the Punjab Cooperative Societies Act, 1961 (Annexure A-I) annexed with CM No. 18108 of 2018 which is pending adjudication. In such circumstances, the controversy agitated herein stands decided as alleged cause no longer subsists in the writ petition.

I have heard learned counsel for the parties, appraised the paper book.

This Court on 02.08.2018 after noting the contention of learned counsel for the petitioner, passed the following order:-

“ Learned counsel for the petitioner has submitted that the petitioner has filed an application under order 14 Rule 2 of CPC before the Additional Registrar, Cooperative Society, Punjab-respondent No. 2 for framing of preliminary issues about the jurisdiction of the Court but it is averred in the petition that respondent No. 2 was adamant to pass an order of eviction on the next date of hearing i.e 02.08.2018 (today).

Notice of motion for 10.08.2018.

Dasti.

In the meantime, respondent No. 2 is directed to adjourn the case/application pending before him beyond the date fixed in this writ petition i.e. 10.08.2018.

Learned counsel for the petitioner may file an affidavit about the aforesaid order in case a copy of this order is made available to him today itself.”

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Since the grievance of the petitioner has been vindicated and availed remedy, on receipt of order dated 30.07.2018, I am of the view that this Court does not have any jurisdiction to entertain the prayer made. However, the petitioner shall be at liberty to seek stay of the further proceedings, if so advised. In case such an application is filed by the applicant, the same shall be decided as expeditiously as possible. However the interim order granted by this Court in the order *ibid* shall remain enforce for a period of four weeks.

Accordingly, the present writ petition is disposed of.

(AMIT RAWAL)
JUDGE

April 02, 2019

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Whether Speaking/Reasoned Yes/No
Whether Reportable Yes/No