

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8667 of 2019

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The Bihar State Cooperative Bank Limited Ashok Rajpath, Patna-4
through its Deputy General Manager (Legal)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Cooperative Department,
Govt. of India, Patna
2. The Registrar Cooperative Societies Bihar, Patna
3. The Deputy Registrar (Head Quarter) Cooperative Societies, Bihar, Patna
4. Bihar Cooperative Federation Limited Budh Marg, Patna through its
Managing Director/Chief executive officer
5. The Chairman Bihar Cooperative Federation Limited, Budh Marg, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Jha, Advocate
For the Respondent/s	:	Mr. Sushil Kumar (GP 22)
		Mr. Uday Prasad, AC to GP 22
For the Coop. Societies	:	Mr. Vikash Kumar, Advocate
		Mr. Santosh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 08-01-2020

The appeal preferred by the petitioner has not been entertained by the Registrar, Cooperative Societies on the sole ground of the incompetence of the Registrar, Cooperative Societies, in condoning the delay in preferring the appeal.

Learned counsel for the petitioner has drawn the attention of this Court to provision contained in Rule 66 of the Bihar Cooperative Societies Rules, 1959 which provide



for the power of appeal and revision before the Registrar of the Cooperative Societies. Sub-clause 4 of Rule 66 specifies that for the purpose of the rule, the appellate authority shall have all the powers of a court of appeal as provided in the Code of Civil Procedure, 1908.

The Registrar Cooperative Societies has opined that notwithstanding such power under the Bihar Cooperative Societies Rules of 1959, it has been held by the Supreme Court as well in High Court in ***Sakuru vs. Tanaji*** (AIR 1985 Supreme Court 1279) and ***Sita Ram Sah vs. State of Bihar*** reported in ***1995 (1) PLJR 396*** respectively that the concerned provision of Limitation Act applies only to proceedings in courts and not to appeals or applications before bodies other than the courts which are only quasi-judicial tribunals or executive authorities. This proposition applies notwithstanding the fact that such bodies or authorities have been vested with certain specified powers conferred on courts under the Code of Civil or Criminal Procedure.



Both the decisions referred to above indicate that the Registrar, Cooperative Societies is not a court within the meaning of the Code of Civil Procedure and has only been invested with certain powers of judicial nature that a court may exercise under the Code of Civil Procedure.

In the aforesaid cases, reference of ***Hukumdev Narain Yadav vs. Lalit Narain Mishra*** reported in **1974 AIR SC 480** has also been taken wherein the Supreme Court, while dealing with the provision relating to election petition under the Representation of People Act, 1951 held that the provision of Section 5 of the Limitation Act is not applicable to election petition.

Though this is not an election petition and according to the contention of the petitioner, the condonation application was not preferred under the Limitation Act but under the Code of Civil Procedure, this Court finds no anomaly with the order passed by the Registrar Cooperative Societies. The argument raised on behalf of the petitioner that the condonation petition was



not filed under the Limitation Act but only under the Code of Civil Procedure is absolutely untenable.

For the aforesaid reasons, this Court is of the view that no interference is required to be made with the order impugned.

The petition is dismissed.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.01.2020
Transmission Date	

