

104.

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

CWP-10465-2022

Date of Decision: 18.05.2022

MOHINDER SINGH TANWAR AND ORS

.... Petitioners

Versus

DIRECTOR GENERAL OF INDUSTRY AND COMMERCE CUM
REGISTRAR GENERAL FIRMS AND SOCIETIES HARYANA AND
ORS.

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vivek Goyal, Advocate,
for the petitioners.

JAISHREE THAKUR.J (Oral)

The instant writ petition has been preferred seeking to challenge the very maintainability of second appeal being filed and entertained by the Registrar General, Firms and Societies, Haryana, respondent No.1

Learned counsel appearing on behalf of the petitioners would inter alia contend that the petitioners herein along with few others had filed complaints before the District Registrar, Firms and Societies, Kurukshetra regarding mismanagement of the Society known as Kshatriya Sabha, Kurukshetra. On the complaints having been filed, while allowing new members to be inducted, an Administrator was ordered to be appointed by order dated 28.01.2022. On the same date, Mr. Narender Pal Malik, HCS, Sub Divisional Magistrate(C), Thanesar was appointed as Administrator of the said Society under Section 39(10) of the Haryana Registration and

Regulation of Societies Act/Rules 2012. Aggrieved against the appointment of the Administrator of the Society, the Society through its President filed an appeal under Section 79 of the aforesaid Act of 2012 before the State Registrar, Firms and Societies, Haryana, seeking modification of the order and to set aside the appointment of the Administrator. The complainants, the petitioners herein, preferred applications for impleadment contending that the very appeal was not maintainable as the term of the Society had come to an end and there was no resolution authorizing anyone to file said appeal. As those applications were not being decided, the complainants preferred a writ petition before this Court, numbered as CWP No.6528 of 2022, with the very limited prayer that the Appellate Authority should decide the applications regarding impleadment and the maintainability of the appeal. This Court, by an order dated 31.03.2022, issued necessary directions regarding applications for impleadment and maintainability of the appeal to be decided at the very first instance before taking a decision on the main appeal itself. Consequent to said order, the appeal stands dismissed by an order dated 31.03.2022 on the ground of maintainability. While dismissing the appeal, the Appellate Authority came to the conclusion that the Society, could not have preferred appeal as there was no resolution in support of the same and that the term of the managing committee of the Society had come to an end by that time. Instead of accepting the said verdict, it appears that a second appeal (Annexure P-10) has been preferred by some other member of the Society which has been entertained by the Registrar General, Firms and of Societies, Haryana, in which proceedings, applications have again been filed by the petitioners afresh which are annexed as Annexures P-11 and P-12 with this

writ petition regarding its maintainability. Again innocuous prayer made is that before the main appeal is decided, the applications, so filed, be decided considering the fact that once an appeal is dismissed, a second appeal would not be maintainable. Learned counsel would submit that the matter is now listed for hearing on 19.05.2022.

Notice of motion to respondent No.1 only.

At this stage, Ms. Kirti Singh, DAG, Haryana, who is present in Court, accepts notice on behalf of respondent No.1.

Let adequate number of copies of the complete paper book be supplied to her during the course of day.

I have heard learned counsel for the petitioners and have also perused the pleadings of the case as well as the order that was passed by the Appellate Authority dismissing the appeal already filed by the Kshatriya Sabha, Kurukshetra through its President. It appears that now one Mr. Rajinder Singh Tanwar, who prima facie was not a party to the proceedings at the initial stage has now preferred another appeal on the same cause of action i.e. seeking the order to have the appointment of the Administrator set aside.

In view of the innocuous prayer made by the counsel for the petitioners, this Court, without calling for any response from the respondent, deems it appropriate to direct respondent No.1 to decide the applications Annexures P-11 and P-12 qua maintainability of the appeal preferred by respondent No.6 before taking a decision on the main appeal itself, as expeditiously as possible, in accordance with law.

With the aforesaid observations, the instant petition stands disposed of.

Let a copy of this order be supplied dasti to the counsel appearing on behalf of the petitioners under the signatures of the Bench Secretary.

18.05.2022

sanjeev

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No