

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

CWP No.19393 of 2015

Date of Decision:-05.05.2022

Asha Sharma

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sandeep Kotla, Advocate
for the petitioner.

Mr. Raman Kumar Sharma, Addl. A.G. Haryana.

Mr. Balwinder Singh, Advocate for
Mr. Kshitij Sharma, Advocate
for respondent No.3.

HARSIMRAN SINGH SETHI J.(Oral)

Learned counsel for the petitioner very fairly submits that keeping in view the objection raised by the respondents that the present petition is not maintainable against the co-operative society keeping in view the judgment of Hon'ble Supreme Court of India in ***General Manager, Kisan Sahkari Chini Mills Limited, Sultanpur, U.P. vs. Satrughan Nishad and others, 2003(8) SCC 639***, the petitioner be allowed to withdraw this petition with liberty to approach the appropriate authority under the Co-operative Societies Act or the Civil Court as the case may be for the redressal of her grievance as raised in the present petition.

Learned counsel for the petitioner further submits that as the petitioner was pursuing the remedy for the last seven years, the issue of limitation, in case raised, be decided with compassion keeping in view the fact that the petitioner was pursuing the wrong remedy for a period of seven years. Though, at this stage, the Court cannot make any observation with regard to the condonation of delay if any, but the authorities/competent Court of law will take into consideration the fact that the petitioner was pursuing a wrong remedy for a period of seven years, due to which, the prayer of the petitioner needs to be considered sympathetically.

Ordered accordingly.

May 05, 2022
Vijay Asija

(**HARSIMRAN SINGH SETHI**)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No