

2024:PHHC:168467-DB



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

(111)

**LPA-499-2024 (O&M)
Decided on : 12.12.2024**

Rajesh Kumar Jain

.....Appellant(s)

Versus

State of Punjab & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE MEENAKSHI I.MEHTA**

Present: Mr.VipulBabuta, Advocates for the appellant.

G.S. Sandhawalia, J.(Oral)

CM-1196-LPA-2024

Application for condoning the delay of 2 days in filing the appeal is allowed, in view of the averments made in the application duly supported by affidavit of the appellant and in view of the nominal delay. Accordingly, delay of 2 days in filing the appeal is hereby condoned.

CM stands disposed of.

LPA-499-2024

1. Consideration in the present appeal is to the judgment dated 04.12.2023 passed by the Learned Single Judge in CWP-8652-2020 whereby the appellant's writ petition was disposed of with liberty to approach the Civil Court against the election of the private-respondent. The said exercise was to be done within a period of one month from the receipt of certified copy of the order and even status quo as it was existing on the said date with respect to running affairs of the Society was directed to be maintained by the parties still

the filing of suit before the Civil Court. The finance powers were continued to be exercised in terms of the order dated 08.07.2020 passed by Learned Single Judge till the institution of the Civil Suit. Challenge in the writ petition had been made to the letter dated 20.06.2020 (Annexure P-5) whereby SDM Jagraon had cancelled the election to be held on 21.06.2020 on account of Covid-19 curfew imposed and no activity was to be conducted.

2. It is the case of the appellant that he already stood elected in a meeting held on 19.06.2020 for the period 2020-2022, as per Annexure P-4. During the course of arguments, it transpires that fresh election has already been conducted this year. It is, thus, obvious that on this account the Civil Suit was not filed. Thus, we are of the considered opinion that the matter has been rendered infructuous as it is the case of the appellant himself that the tenure of the office bearers is for a period of 2 years.

3. In such circumstances, once fresh election has been conducted, it is always open to the appellant to challenge the said action, if he is still aggrieved. His tenure has already gone by and the clock cannot be set back to put him back in the office.

4. Resultantly, in view of the above discussion, the present appeal is hereby dismissed in limine.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

12.12.2024
sailesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No