



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.1672 of 1993
Reserved on : 18.05.2024
Pronounced on : 21.05.2024

S.C. Land Owning Society

.....Appellant

Vs.

Surjit Kaur

....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. G.S. Dhaliwal, Advocate for the appellant.
None for the respondent.

DEEPAK GUPTA, J.

This Regular Second Appeal is filed by the plaintiff-Society, which is registered under the Punjab Cooperative Societies Act. Plaintiff's suit for permanent injunction regarding property in dispute against the defendant- Surjit Kaur (*respondent herein*) was decreed by the trial court on 7.6.1988 but the appeal of the defendant was allowed and the suit of plaintiff society (*appellant herein*) was dismissed on the ground of lack of locus standi.

2.1 Plaintiff claimed to be owner in possession of the suit property. Alleging interference in its possession on the part of the defendant, plaintiff sought a decree for permanent injunction.

2.2 Defendant on the other hand claimed to be owner in possession. According to her, her mother Smt. Bachni had performed Karewa marriage with Bakhtaur Singh and that she is the *picchlag* daughter of Bachni Kaur. After Karewa marriage of Bachni with Bakhtaur Singh, she had been adopted by Bakhtaur Singh and had inherited the membership rights of



Bakhtaur Singh in the plaintiff Society. She also challenged the locus standi of the plaintiff in filing the suit, filed through President Dalip Singh, as the plaintiff- Society stood dissolved since 16.4.1986 and so, Dalip Singh did not have the locus standi to bring the suit on behalf of the Society.

3. Following issues were framed by the trial court for adjudication:-

- “1. Whether the plaintiff- society has been dissolved? If so, its effect? OPD
2. Whether the plaintiff is owner in possession of the land in dispute? OPP
3. Whether the plaintiff has got no locus-standi to file the suit? OPD
4. Whether the defendant is the daughter of deceased Bachni and is entitled to be a member of the plaintiff- Society? If so, its effect? OPD”
5. Relief.

4.1 Vide judgment dated 07.06.1988, trial court decided Issues no.1 3 and 4 against the defendant; whereas, issue no.2 was decided in favour of plaintiff and consequently, decreed the suit.

4.2 In the appeal filed by the defendant, though it was held that she was neither the owner nor in possession of the suit property, as was claimed by her; nor she had been able to prove that she had inherited the membership rights of Bakhtaur Singh in the Society. It was also held that she was unable to prove that she had been adopted by said Bakhtaur Singh. As such, the finding on issue no.2 in favour of plaintiff society was maintained. However, by holding that the plaintiff Society had already been dissolved and there was no resolution in favour of Dalip Singh so as to file the suit, it was held



that suit had not been filed by a property authorised person and as such, findings on issues no.1 and 3 were reversed and these were decided in favour of the defendant. Consequent to findings on Issues no.1 and 3, the suit was dismissed.

5. Assailing the above findings of appellate court on the issue of locus standi, it is contended by the learned counsel that learned trial court had rightly held that Dalip Singh being the President of the Society was competent to file the suit against the defendant-respondent and so, issue relating to locus standi was rightly decided in favour of the plaintiff. Prayer is made for setting aside the judgment passed by the first Appellate Court and to restore the judgment of the Trial Court.

6. Despite notice to the respondent-defendant, no body turned up so as to contest the appeal on her behalf.

7. Submissions considered. Trial court record perused.

8. It has been found by the learned Appellate Court on the basis of evidence on record that plaintiff Society is registered under the Punjab Cooperative Societies Act and it is for this reason that dispute between the plaintiff and Darshan Kaur about entitlement to inherit the membership of Bakhtaur Singh had gone to Assistant Registrar, Cooperative Society, Barnala and then to Deputy Registrar, Cooperative Society, Sangrur and even the Register of the members of the plaintiff Society (copy Ex.D-1); and *Rokar Bahi* (copy Ex.D-2) revealed beyond doubt that this was a registered society under the Punjab Cooperative Societies Act and as such, Officers of the Cooperative Department are exercising control over the same. It was further found from the testimony of DW-1 Jagan Nath, an Official from Sangrur Central Bank Cooperative Societies, Barnala that plaintiff Society is registered. It was held further that no suit could have been filed on behalf of



the Society without a resolution of the Society, authorizing Dalip Singh to file the suit.

9. Learned Appellate Court referred to the provisions of Punjab Cooperative Societies Act and the case law referred in *Udat Bhat Ram Nazoor Land Co-operative Society Vs. Leekal Singh etc., 1981 PLR 120*, wherein it had been held that the cooperative society registered under the Cooperative Societies Act is a body corporate, which can act only by passing a certain resolution authorizing its Chairman or its Officers to appeal or to act on its behalf. No officer can come on behalf of the society suo moto. In that case, the appeal was filed by a cooperative society without authorization and the same was held to be not properly constituted. Learned Appellate Court found that in this case also, Dalip Singh had not produced any authority by means of any resolution of the society authorizing him to file the suit or to defend the appeal and as such, the suit filed by him was held to be not maintainable.

10. Apart from this, it was also found from the testimony of DW-1 Jagan Nath that plaintiff- Society had been superseded and an administrator had been appointed to conduct the affairs of the Society and as such, after suspension of the Managing Committee of the Society and appointment of the Administrator, Dalip Singh was left with no locus standi to continue with the suit or to defend the suit. As such, the decision of the trial court on issue no.1 and 3 were reversed.

11. This court does not find any illegality, perversity or infirmity in the aforesaid findings of the First Appellate Court by holding that Dalip Singh did not have the authority to bring in the suit or even if, he had the authority to file the suit, he did not have the authority to continue with the suit, once the Society had been superseded and the Administrator had been



appointed to conduct the affairs of the Society.

12. Consequently, this court does not find any merit in the present appeal. The same is accordingly dismissed. It is, however, made clear that in view of concurrent findings of courts below on issues N: 1, 3 & 4, with the dismissal of suit and the present appeal, respondent – defendant will not get any right to interfere in possession of the plaintiff society.

May 21, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No