



**CM-7943-LPA-2025;
CM-1968-LPA-2023;
CM-6751-LPA-2025 in
RA-LP-18-2023 in LPA-1266-2017 & connected case 1**

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

**(120+217) CM-7943-LPA-2025;
CM-1968-LPA-2023;
CM-6751-LPA-2025 in
RA-LP-18-2023 in
LPA-1266-2017
Date of Decision : November 04, 2025**

Saraswati Kunj Cooperative House Building Society Limited

.. Appellant

Versus

Bal Raj Krishan Vachher and others .. Respondents

**(2) CM-7950-LPA-2025;
CM-1982-LPA-2023;
CM-6723-LPA-2025 in
RA-LP-19-2023 in
LPA-1514-2017**

Saraswati Kunj Cooperative House Building Society Limited

.. Appellant

Versus

S.C. Katyal and others .. Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

**Present: Mr. Ashwani K. Chopra, Senior Advocate, with
Mr. R.D. Gupta, Advocate,
Mr. K.K. Vinayak, Advocate and
Mr. Vidul Kapoor, Advocate, for the applicants-appellants.**

Mr. Rakesh Dhiman, Advocate, for the respondents.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-7943-LPA-2025 and CM-7950-LPA-2025

As prayed for, the applications are allowed.

Reply to the applications seeking condonation of delay of 1280 days

in filing the review applications, is taken on record.



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**CM-1968-LPA-2023 in LPA-1266-2017
CM-1982-LPA-2023 in LPA-1514-2017**

Present applications have been filed seeking condonation of delay of 1280 days in filing the review applications.

Notice of the applications to the counsel opposite.

Mr. Rakesh Dhiman, Advocate, who is present in the Court, accepts notice on behalf of the respondents. He raises no objection for the grant of prayer as raised in the present applications.

Keeping in view the averments made in the applications, which are duly supported by an affidavit, the applications are allowed. Delay of 1280 days in filing the review applications is condoned.

CM-6751-LPA-2025 and CM-6723-LPA-2025

Present applications have been filed for preponing the date of hearing of the review applications i.e. RA-LP-18-2023 and RA-LP-19-2023.

Keeping in view the averments made in the applications, which are duly supported by an affidavit, the applications are allowed and hearing of the review applications is preponed from 11.11.2025 to today itself.

**RA-LP-18-2023 in LPA-1266-2017
RA-LP-19-2023 in LPA-1514-2017**

In the present review applications, the prayer is for recalling the order dated 30.10.2019 passed by the Coordinate Division Bench of this Court by which, the Letters Patent Appeals filed challenging the judgment of the learned Single Judge dated 25.04.2017 in CWP No.5230 of 2014 and CWP No.8597 of 2014 has been dismissed.

Learned Senior Counsel for the applicant-appellant-Society submits that the order dated 30.10.2019 has been passed by the Division Bench by ignoring the relevant part of the order dated 08.01.2014 passed by the Assistant Registrar



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Cooperative Society copy of which was appended as Annexure P-4 with the aforementioned writ petition.

Learned Senior Counsel for the applicant-appellant-Society further submits that the said order passed by the Assistant Registrar Co-operative Society has been accepted without noticing the fact that conveyance deed in question was only to be executed as per the seniority of the members and as per seniority, the respondents were junior to approximately five other members which members are yet to be allotted the plots by the applicant-appellant-Society.

Learned Senior Counsel for the applicant-appellant-Society further submits that in paragraph 5 of the judgment presently in review, a finding has been recorded that only those matters can be referred to Sharma Commission qua which any dispute existed whereas, CM No.4545-LPA-2018 and CM-4549-LPA-2018 which were filed for bringing on record the Sharma Commission Report so as to show that the said report of the Commission was in respect of all the members who have wrongly been allotted the dwelling units hence, treated the jurisdiction of Sharma Commission relating to the matters where disputes existed is incorrect fact therefore, two facts which have been noticed to dismiss the petition as well as appeal are incorrect for which, the review is needed of the ultimating order passed by the Division Bench dated 30.10.2019.

Learned counsel for the respondents submits that the present review of order dated 30.10.2019 has been filed after a prolonged delay, hence the same should not be considered on merits and further, once an order has been passed by the Division Bench, the remedy against any such order lies through preferring an appeal rather than seeking review of such order and therefore, the review applications may kindly be dismissed.



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Learned counsel for the respondents further submits that the State has already filed a review application against these very orders which is now pending.

We have heard learned counsel for the parties and have gone through the record with their able assistance.

It shall be noted that the whole issue revolves around the execution of conveyance deed and further as to who will be the rightful member in favour of whom said deed is to be executed, and the said issue is to be seen by looking into the factum that whether a simple direction was given by the Assistant Registrar Cooperative Society so as to look into the matter and execute the conveyance deed in favour of respondents or the same was to be done on the basis of the seniority, will be clear from the order passed by the such authority. The said order has been reproduced by the learned Single Judge in the order dated 25.04.2017. The relevant portion of the said order is as under:-

“ The applicant Sh. Balraj Krishan Vachheer, while keeping in view your report, has requested this office to get execute the conveyance deed of plot No.1225 in his favour. After perusing the record produced by your with regard to the applicant, it has been found that as per the claim file of the applicant, plot No.1225 measuring 250 sq. yds.has been allotted to three persons including the applicant. As per the allotment cum possession letter No.SKCHBS/P/II/2003 dated 13.04.2004, plot No.1225 measuring 250 sq. yards has been allotted the applicant, as per possession letter bearing No.SKCHBS/P-II/2003 dated 26.09.2003, possession of plot No.1225 measuring 250 sq. yards has been allotted to the applicant and as per the audit ledger, the applicant has deposited Rs.75670/- alongwith registration fees of the plot.

Therefore, as per the report produced by you and the concerned produced by the applicant and abovesaid facts, the applicant is true and original member of the society. Thus, keeping



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in view the seniority of the members, the conveyance deed/registry of plot No.1225 can be got executed in favour of applicant Sh. Balraj Krishan Vachher, as per law.”

A bare perusal of the above would show that the direction given was to execute the conveyance deed on the basis of seniority whereas, the Division Bench has missed the word ‘seniority’ while upholding the said order even though according to the applicant-appellant, there are more than 500 members who are seniors to the respondents, are still awaiting allotment.

Further, the facts which have been noticed by the Division Bench in the order dated 30.10.2019 is that the Sharma Commission Report was only referred to the matters where dispute existed qua the allotment of dwelling units. By CM No.4545-LPA-2028 and CM-4549-LPA-2018, Sharma Commission Report was sought to be brought on record to show that it made recommendations qua all the members qua allotment and was not restricted only where dispute existed. The Division Bench dismissed the said application ultimately on the ground that the main appeal had already been dismissed. In case, the said report has been perused by the Division Bench, the same would have clarified that the Sharma Commission Report was qua all the members who are claiming the allotment and also qua the members who have either been allotted the plots ignoring the claim of seniors, keeping in view the enlarge scope of the said Commission, which is reflected from the report itself.

Keeping in view the totality, the facts which have been taken into consideration by the Division Bench are not correct and any decision which is based upon incorrect facts or partially correct facts, a review of such an order is permissible.

The argument of the learned counsel for the respondents that the review has been filed after a delay, it may be noticed that the State has already



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filed a review and the Society also filed the review against the same order. Once the review filed by the State against the said order was already pending, the delay will not be fatal qua the review filed by the Society.

The due explanation for delay has already been given and keeping in view the fact that the fate of large number of members are dependent upon the said order, the said order passed by the Division Bench which has taken into consideration the incorrect facts/half based facts, needs to be reviewed hence, the order dated 30.10.2019 passed by the Division Bench is recalled and the appeals are restored to its original number and status.

Review applications are allowed.

LPA-1266-2017 and LPA-1514-2017

To be listed as per roster.

A photocopy of this order be placed on the file of other connected case.

**(HARSIMRAN SINGH SETHI)
JUDGE**

November 04, 2025
harsha

**(VIKAS SURI)
JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : No