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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 5855/2025 & CM APPL. 26739/2025**

RAJENDRA NATH SHARMA AND ORSPetitioners

Through: Mr. Arun Kumar & Mr. Abhinav
Kumar, Advs.

versus

SHRI PARSHVANATH CGH SOCIETY LTD AND ORS

.....Respondents

Through: Ms. Seema Gupta, Mr. Aditya Mishra
& Mr. Akshit Kumar, Advs. for R-1
& 2.

Ms. Harshita Nathrani, proxy counsel
for Mr. Sameer Vashisht, SC for R-4

Mr. Abhimanue Shrestha &
Mr.Pritesh Patni, Advs. for R-3

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

04.11.2025

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1. Petitioner, who is a member of respondent no.1-Society, has approached this Court with a prayer for issuing injunction against the flat owner of *Flat No. 225 of Parshva Vihar Apartment, Plot No. 50, LP. Extension, East Delhi, Delhi*, who appears to be a member of the Society, and to also maintain *status quo*.

2. It appears that there is no substantial prayer made in petition as regards proceedings of recovery initiated by the Society in the matter of non-payment of maintenance amount by respondent no.3.



3. Relevant paragraphs of affidavit filed by respondent no.4, Registrar of Cooperative Societies (**'RCS'**), are extracted hereunder:

“With regard to the aspect of Recovery Case bearing No. 803/2009-10 titled “Shri Parshvanath CGHS Ltd Vs. Dhaninder Kumar Jain”, as mentioned, it is most respectfully submitted that earlier notices were issued by the ARCS (S.ec -VII/H) in the said recovery case to the respondent no.3 Sh. Dhaninder Kumar Jain as well as the society, vide notices dated 01.07.2025 (Annexure-I) & 17.07.2025 (Annexure-II) were directed to appear before the Assistant Registrar (Section-VII/H) on 15.07.2025 at 12:30 AM and 04.08.2025 at 3:00 PM respectively. On both dates, Sh. Dheeraj Jain on behalf of Sh. Dhaninder Kumar Jain (judgement debtor) appeared on both dates but the decree holder society did not appear on both dates. Further, a fresh notice has been issued to both for next date of hearing on 11.09.2025 at 4:00 PM for providing them an opportunity to be heard and make submissions.

It is most respectfully submitted that explicitly, the main contention is between the petitioner and the society alleging a financial loss of more than 55 lakhs to society in violation of the DCS Act, rules and regulations framed under the Act and by secretly settling the dues from respondent No. 3 (Sh. Dhaninder Kumar Jain) for Rs. 17,68,865/- against whom a recovery officer issued a letter as early as in the year 2011, issued a letter of attachment and a warrant of arrest dated 17/11/2011. Without prior notice or approval from the General Body, even though the Annual General Body held earlier on 27/08/2023, has already rejected the agenda for settlement unanimously. The proposal for settlement, the petitioner is advised to take recourse of Section 70 of DCS, Act, 2003 for settlement of dispute between them.”

4. Counsel appearing for RCS submits that the **Recovery Case bearing**



No. 803/2009-10 between the respondent-Society and defaulter is still under progress.

5. Counsel for Society assures that they shall mark their appearance and shall remain present before the Registrar on each and every date for effective hearing of the said recovery proceedings.

6. In such an eventuality, by accepting the statement of counsel for Society that appearance shall be made and all possible cooperation shall be rendered to the Registrar in the matter of taking ***Recovery Case no. 803/2009-10*** to its logical end, we see no reason to cause further indulgence in the present writ petition.

7. This petition accordingly stands disposed of.

8. Let hearing of the aforementioned recovery case be expedited.

9. Pending application is rendered infructuous.

10. We grant leave to petitioner to appear before the RCS.

11. Order be uploaded on the website of this Court.

NITIN WASUDEO SAMBRE, J

ANISH DAYAL, J

NOVEMBER 4, 2025/sm