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

+ **W.P.(C) 6173/2025 & CM APPL. 28157/2025**
AJAY PRAKASH MISHRAPetitioner

Through: Mr. AK Tripathi and Mr. Prashant
Tripathi.

versus

**THE REGISTRAR COOPERATIVE SOCIETIES THROUGH
ASSISTANT REGISTRAR & ANR.**Respondent

Through: Mr. Sameer Vashisht, Standing
Counsel.

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+ **W.P.(C) 6154/2025 & CM APPL. 28028/2025**
MAMTA MISHRAPetitioner

Through: Mr. AK Tripathi and Mr. Prashant
Tripathi.

versus

**THE REGISTRAR COOPERATIVE SOCIETIES THROUGH
ASSISTANT REGISTRAR & ANR.**Respondents

Through: Mr. Sameer Vashisht, Standing
Counsel.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE RAJNEESH KUMAR GUPTA

ORDER
% **08.05.2025**

1. This hearing has been done through hybrid mode.



CM APPL. 28158/2025 (for exemption) in W.P.(C) 6173/2025
CM APPL. 28029/2025 (for exemption) in W.P.(C) 6154/2025

2. Allowed, subject to all just exceptions. Applications are disposed of.

W.P.(C) 6173/2025 & CM APPL. 28157/2025 (for stay)
W.P.(C) 6154/2025 & CM APPL. 28028/2025 (for stay)

3. The present writ petition has been filed by the Petitioners – Ajay Prakash Mishra and Mamta Mishra under Article 226 of Constitution of India challenging the order dated 26th November, 2024 passed by the Delhi Cooperative Tribunal (*hereinafter, 'the impugned order'*) whereby the appeals filed by the Petitioner being *DCT Appeal No. 168/2022* and *DCT Appeal No. 169/2022* (*hereinafter, 'the appeals'*) have been dismissed in default for non-prosecution. Relevant portion of the impugned order is extracted herein below:

“Matter is list for arguments on the application for restoration of the appeal.

Sh. Prashant Tripathi, proxy counsel for the appellant submits that since the matter has been referred by the Hon 'ble High Court of Delhi, therefore, it might not to have been discussed in default.

Sh. Sharma has strongly opposed the application for restoration of the appeal on the ground that the matter has been restored twice in the past and this was the third dismissal in default.

It is further submitted that an amount of more than Rs. 1 Crore is due I three connected appeals.

Heard.

Noticing the aforesaid submissions made on previous dates of hearing, this Tribunal had desired the appearance of main counsel in person. Neither the main counsel has appeared nor the proxy counsel is present in person.

The applicants are also not present. The conduct of the applicants and the main counsel indicate that they are not serious about the appeal. Three dismissals I default are an apparent and evident reflection of the conduct of the appellant, who has filed the



appeal and is not pursuing the same.

Sh. Prashant Tripathi, proxy counsel for the appellant is not able to assist the Tribunal as regards the directions passed by the Hon'ble High Court of Delhi. He submits that he is proxy counsel. In the aforesaid facts & circumstances, application seeking restoration of the appeal is also discussed. Application file be consigned room."

4. Mr. Tripathi, ld. counsel for the Petitioners submits that on the date of passing of the impugned order, the quorum of the Tribunal was not complete and only a single member was present in the Delhi Cooperative Tribunal.

5. Mr. Vashisht appears for the RCS and submits that the Petitioner was given repeated opportunities and the DCT finally had no choice but to dismiss as the appeals were not being pursued diligently.

6. Heard. Considering the fact that the appeals were basically dismissed due to default and non-appearance of the counsel for the Appellants, this Court deems it appropriate to restore the appeals to its original number and stage, subject to payment of cost of Rs. 5,000/- each by both the Petitioners. The said cost shall be deposited to the Delhi High Court Bar Association:

Name: Delhi High Court Bar Association

Account No.: 15530100000478

IFSC Code: UCBA0001553

Bank & Branch- UCO Bank, Delhi High Court

The proof of payment of cost shall be submitted to the Delhi Cooperative Tribunal.

7. It is made clear that the restoration of appeals has been done in the interest of justice and the Petitioners shall ensure that they duly attend the proceedings before the Delhi Cooperative Tribunal in future hearings.

8. Copy of this order shall also be placed before this Court in ***W.P.(C)***



5681/2025 titled ***Ajay Prakash Mishra v. The Registrar Cooperative Societies & Anr.*** which is listed on 17th July, 2025.

9. The petitions are disposed of in these terms. Pending application(s), if any, also stand disposed of.

PRATHIBA M. SINGH, J

RAJNEESH KUMAR GUPTA, J

MAY 8, 2025/da/ss