

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

**CWP Nos.9117, 9120, 9122, 9126,
9134, 9140, 9166 & 9315 of 2026
Decided on: 09.07.2026**

1. CWP No. 9117/2026

The Talai Gram Sewa Co-operative Society Ltd.

.....Petitioner

Versus

Savitri Devi and others

..Respondents

2. CWP No. 9120/2026

The Talai Gram Sewa Co-operative Society Ltd.

.....Petitioner

Versus

Sandeep Kumar and others

..Respondents

3. CWP No. 9122/2026

The Talai Gram Sewa Co-operative Society Ltd.

.....Petitioner

Versus

Anita Devi and others

..Respondents

4. CWP No. 9126/2026

The Talai Gram Sewa Co-operative Society Ltd.

.....Petitioner

Versus

Anita Devi and others

..Respondents

5. CWP No. 9134/2026

The Talai Gram Sewa Co-operative Society Ltd.

.....Petitioner

Versus

Vandana Devi and others

..Respondents

6. CWP No. 9140/2026

The Talai Gram Sewa Co-operative Society Ltd.

.....Petitioner**Versus**

Vandna Devi and others

..Respondents**7. CWP No. 9166/2026**

The Talai Gram Sewa Co-operative Society Ltd.

.....Petitioner**Versus**

Sandeep Kumar and others

..Respondents**8. CWP No. 9315/2026**

The Talai Gram Sewa Co-operative Society Ltd.

.....Petitioner**Versus**

Ajmer Singh and others

..Respondents

Coram**Ms. Justice Jyotsna Rewal Dua****Whether approved for reporting?¹**For the Petitioner(s): Mr. Mukesh Sharma, Advocate vice
Mr. Amardeep Singh, Advocate.For the Respondents: Mr. Y.P.S. Dhaulta, Additional
Advocate General, for respondents
No. 4 & 5 in all petitions.None for respondents No. 1 to 3 in all
petitions.

Jyotsna Rewal Dua, JudgeLearned counsel for the petitioner(s) has
placed on record report qua dasti notice having been

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Yes.

Whether reporters of print and electronic media may be allowed to see the order?

served upon respondents No. 1 to 3 in all petitions. Despite service, these respondents are not represented. Hence, proceeded against ex-parte.

All these writ petitions arise out of almost similar impugned orders, involve similar question of law, hence, with consent of learned counsel for the parties, have been taken up together for adjudication.

In view of the issue involved in these writ petitions and the settled legal position, there is no necessity to call for reply of respondents No. 4 & 5. Despite opportunity granted to respondents No. 1 to 3, reply has not been filed by them. All matters have accordingly been heard at this stage.

2. Petitioner feels aggrieved against dismissal of its appeals preferred under Sections 93(2)(C) of H.P. Co-operative Societies Act, 1968 (in short, the Act) by respondent No.4- the Assistant Registrar, Co-operative Societies, Bilaspur, District Bilaspur, H.P.. The petitioner society had preferred appeals under Section 93(2)(C) of the Act against decisions rendered under Section 72 of the Act. The appeals were preferred beyond prescribed period of limitation. Alongwith appeals, the petitioner had moved applications under Section 5 of the Indian

Limitation Act for condoning the delay. Respondent No.4 vide his impugned orders held that limitation period for filing the appeals had expired; There was no authority vested in it for considering the applications filed under Section 5 of the Indian Limitation Act; The said Act had no application to the appeals preferred under Section 93(2) (c) of the Act. Accordingly, the applications for condoning the delay were rejected. Consequently, appeals were also dismissed.

3. The reasoning assigned by respondent No.4 in the impugned orders is not in consonance with law. In ***Jogindera Central Co-operative Bank Ltd. versus Addl. Registrar (Mon.) Co-operative Societies & Others,***² it was held that provisions of Limitation Act in terms of Section 49 of the H.P. Co-operative Societies Act of 1968 are excluded in its applicability to the proceedings taken under Sections 69, 73 and 88 of the Act and are not applicable to all other provisions of the Act including Sections 93, 94 etc. Relevant para from the judgment is as under:-

“18. In view of aforesaid discussions and for the reasons stated hereinabove, findings regarding non-applicability of the provisions of Limitation Act including Section 5 thereof to the proceedings

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CMPMO No.361/2024, decided on 19.05.2025, a/w connected matters.

conducted under the Act of 1968 more particularly Section 93 and Rules framed thereunder are perverse and accordingly set aside and it is specially held that the provisions of the Limitation Act in terms of Section 49 of the Act of 1968 are excluded to its applicability to proceedings taken under Sections 69, 73 and 88 of the Act of 1968 and are not applicable to all other provisions of the Act of 1968 including Sections 93, 94 etc. The questions of law is answered accordingly.”

4. In view of above, these writ petitions are allowed and impugned orders passed by respondent No.4 in all these writ petitions are set-aside. All these matters are remanded to respondent No.4 for considering the applications moved by the petitioner under Section 5 of the Limitation Act on their own merits. Parties are directed to appear before respondent No.4 on 29.07.2026 Pending miscellaneous application(s), if any, to also stand disposed of.

July 09, 2026
yogesh

Jyotsna Rewal Dua
Judge