

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Special Appeal Writ No. 992/2023

Harnam Singh Yadav

----Appellant

Versus

Adarsh Nagar Housing Cooperative Society Ltd and Ors.

----Respondents

For Appellant(s)	:	Mr. Harshit Mittal
For Respondent(s)	:	Mr. Tushar Pareek on behalf of Mr. Rahul Agarwal

HON'BLE THE CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

19/07/2024

Heard on application for condonation of delay in filing the appeal.

Taking into consideration the short period of delay of 4 days and cause shown in the application, the delay in filing the appeal is condoned. Application for condonation of delay is allowed.

Though there was an order for service of notice on respondent Nos.8 to 12, notices have not been filed and, at this stage, learned counsel for the appellant submits that they are proforma respondents.

Accordingly, issuance of notice to respondent Nos.8 to 12 is dispensed with at the peril of the appellant.

The effect of non-service on respondent Nos.8 to 12 would be considered at the time of hearing of the appeal.

The appeal arises out of an order passed by the learned Single Judge in the matter of challenge to an order passed by the Co-operative Tribunal.

Prima facie, this Court is of the view that this intra court appeal is not maintainable in view of the Full Bench judgment of this Court in the case of **Mahendra Kumar Jain Vs. Appellate Rent Tribunal, Ajmer & Ors (AIR 2022 Raj Page 7)**.

Learned counsel for the appellant prays for short time to satisfy the Court with regard to maintainability of the appeal.

List in the next week.

(ASHUTOSH KUMAR),J

(MANINDRA MOHAN SHRIVASTAVA),CJ