

petitioner agreed to receive a sum of Rs.6,50,000/- only and put an end to all the disputes in respect of the disputed property. It appears from the recital of the document that out of the abovementioned amount, a sum of Rs.4.50,000/- was paid by draft issued by the State Bank of Indore, Bhopal Branch and the balance by a post dated cheque. We may state here that the petitioner does not dispute either the execution of the abovementioned document or the receipt of the abovementioned amounts. As it can be seen from the synopsis filed in this appeal at page 'J', it is stated as follows:

"Amount was not returned as the petitioner had been advised by the learned advocates having expertise in civil litigation and of the Indian Contract Act, 1872 that the agreement secured upon misrepresentation & upon the facts in his case on 06.07.2004 was in law null and void & amount had been paid for unlawful purposes & in violation of the provisions of the Indian Contract Act and the return of the amount paid there under could not be claimed in law and the suit if filed shall meet its dismissal."

However, the petitioner now maintains that the said compromise was obtained under duress. Subsequently, the petitioner raised a dispute by approaching the Additional Registrar, Cooperative Societies.

7. It appears from the record that subsequently the petitioner herein raised a dispute before the Registrar under Section 64 of the M.P. Cooperative Societies Act questioning the legality of the execution of the abovementioned unilateral Extinguishment Deed and allotment of the property in dispute in favour of the second respondent. Vide order dated 1.2.2006, the Deputy Registrar passed an order injuncting the defendants from raising any construction or transferring by way of sale etc. of the property in dispute.

8. However, the said interim injunction appears to have been vacated by an order dated 12.4.2006. Aggrieved by the same, the petitioner preferred an appeal before the Registrar, Cooperative Society. It appears that the Registrar vide order dated 29.08.2006 set aside the order dated 12.04.2006. Unfortunately, the order dated 29.08.2006 is not available on record completely, only part of the order is annexed to the paper book.

9. On 02.02.2008, the petitioner herein filed an application under Order 40 Rule 1 CPC before the Deputy Registrar for appointment of receiver in respect of the property in dispute. On 04.02.2008, an ex-parte order appointing receiver was passed which was modified on 18.2.2008 and it was further directed to the receiver to take physical possession of the property in dispute. It appears that by another order dated 25.03.2008 the Deputy Registrar directed the receiver to take symbolic possession, instead of physical possession, of the property in dispute. (Copy of this order is not available on record). Aggrieved by the same, the petitioner filed a revision before the Joint Registrar. Simultaneously, the second respondent also filed two revisions challenging the orders of appointment of the receiver dated 04.02.2008 and 18.02.2008 whereby the receiver was directed to take physical possession of the property in dispute.

10. By order dated 08.11.2008, the Joint Registrar allowed the revisions of the second respondent and remitted the case back to the Deputy Registrar to decide the matter afresh. Aggrieved by the said order, the petitioner herein preferred a second appeal before the Cooperative Tribunal which appeal was treated as revision filed under Section 77 of the Act but dismissed vide order dated 22.11.2008. (Neither of the two orders is available on record).

11. Aggrieved by the decision of the Tribunal, the petitioner approached the High Court by way of a writ petition from which the present appeal arises.

12. By the impugned judgment, the writ petition was dismissed.

13. We must also mention herein that during the pendency of these proceedings, the second respondent sold the property in favour of

| Sr.PA | [Madhu Bala] | | [Savita Sainani] |
| Court Master |

[Signed non-reportable judgment is placed on the file]

Note : Registry is directed to send a copy of the judgment to
petitioner in person at his address free of cost.
