



LPA-1214-2017 (O&amp;M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

102+210

CM-6993-LPA-2025 in/&  
LPA-1214-2017 (O&M)  
Date of Decision :16.09.2025

Malkiat Singh

..Appellant

**Versus**

Ajaib Singh and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI  
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Tejinder Pal Singh, Advocate for the appellant.

Ms. Mandeep K. Dhot, Advocate for respondent No.1.

Mr. T.P.S. Chawla, Senior DAG, Punjab.

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**Harsimran Singh Sethi, J. (Oral)**

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1. Present application has been filed for placing on record copy of jamabandi for the years 2020-2021 and copy of judgment dated 21.05.2016 as Annexures A1 & A-2.
2. As prayed for, application is allowed.
3. Annexures A-1 & A-2 are taken on reocrd.

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4. In the present appeal, the challenge is to the impugned order dated 24.03.2017 passed by the learned Single Judge of this Court passed in CWP-13508-2013 filed by respondent No.1 (herein) by which, the



nomination in favour of respondent No.1-Ajaib Singh by the father namely, Ujjagar Singh, has been held to be valid by taking into consideration and interpreting the provisions of the bye-laws of the respondent-society.

5. Learned counsel for the appellants submits that the bye-laws No.3 to 8 of the respondent-society have been reproduced in the judgment of the learned Single Judge itself and after interpreting the said bye-laws, a finding has been recorded that since bye-law No.8, which deals with nominating a nominee, said nominee who has been appointed by a member of society does not need to fulfil the eligibility to be a member of society under bye-law No.8 and the same has been wrongly interpreted by Financial Commissioner vide order dated 30.08.2012, which was impugned before the learned Single Bench and the same has been set aside.

6. Learned counsel for the appellants further submits that the said interpretation given by the learned Single Judge of this Court to the bye-laws of respondent-society is incorrect as the same will create anomaly and hence, the impugned judgement dated 24.03.2017 passed by the learned Single Judge of this Court is liable to be set aside and the nomination of the respondent No.1-Ajaib Singh by the father of the parties namely, Ujjagar Singh should be transferred in the name of the appellant herein.

7. Learned counsel appearing for the respondents submits that the interpretation given to the bye-laws 3 to 8 of the society by the learned Single Judge is perfectly valid and legal and present appeal is liable to be dismissed.

8. We have heard learned counsel for the parties and have gone through the record with their able assistance.

9. The father of the parties namely, Ujjagar Singh was the



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member of the The Kheri Schedule Caste Cooperative Land owning Society Ltd. Kheri (hereinafter referred to as 'Society') and he unfortunately died on 19.03.2006. During his life time, said Ujjagar Singh had nominated Ajaib Singh his son as a nominee to be a member of the said society. The said nomination was challenged by the appellant on the ground that the respondent No.1-Ajaib Singh does not fulfil the requisites to be a member of the society as per the bye-laws of the society and hence, even if his name has been nominated, he cannot be enrolled as a member of the society and in his place, the appellant should be treated as a member of the society concerned.

10. Learned Single Judge of this Court while appreciating the facts of the present case has come to the conclusion that requisites to be a member of the society and the eligibility attached thereto to be such a member under the bye-law cannot be taken into consideration while appointing a nominee under bye-law-8 hence, even if, Ajaib Singh does not fulfil the requisites to be a member of the society but still on nomination, he has to be brought in as a member of the society and accepted the petition of respondent No-1Ajaib Singh to be treated as a member of the society.

11. It may be noticed that as per bye-laws of the society to be a member of the society, a person has to be an ordinary resident of the village Kheri and should bear good moral character. As for the disqualification of membership of said society, in case, the member does not live in village Kheri after the grant of membership, his membership is to be cancelled under bye-law-7 of the society.

12. The bye-law in question i.e. the bye-law-8 gives the power to a member to get a person appointed by way of nomination in his/her place



after the death of such member. Bye-laws 3 to 8 of the society are reproduced hereunder:-

*“3. The members will be those schedule caste the conditions of which will be given by the government from time to time in their notification and the same will be included in the request letter fro registration and could be admitted as per the bye-laws.*

*4. Every member of the society:-*

- i) should be the ordinary resident of village Kheri;*
- ii) should be of good character;*

*5. The member will be admitted as member, while remaining under acceptance by the general body after the election by the managing committee.*

*6. On becoming member, every member will given Rs. \_\_\_/- as admission fee and every member will have at least one share in the society. Every member will writ his name and append signatures or thump mark in the register of members. Upon doing the same he will participate in the rights and liabilities of the society.*

*7. Membership:-*

- i) With the death;*
- ii) With no living in the village Kheri permanently, the membership will be cancelled.*
- Iii) The member, after giving one month notice to the Secretary of the society can take back his name from the society.*

*8. Every member will nominate a person or persons upon whom his share which has been so mentioned in Section 22 of the Act, will be transferred after his death or the amounts specified will be given and he can set aside this nomination from time to time or can make change in the same. But no member will nominate more than one person, till the time he has more than one share and in no condition the amount to be given to the person nominated through all the shares or by transfer the amount present through collective shares whichever may be the condition which has not been clarified, this nomination will be written in the register of members and this will be verified by the member with his signatures or*



*thumb impression. The share or benefit will be shown through that amount which has been given by him for getting this share or has not been given in the bye-law by any calculation or any other rule. The nominated persons will only be considered as member when the committee will accept him so. No member will transfer his share without the prior approval of the managing committee. The amount of the share will be more than the amount which has been received by the society.”*

13. The interpretation given by the learned Single Judge of this Court is that even if the nominated person does not fulfil the requisites of bye-law 4 or bye-law-7 to be a member of the society, the same will not create any impediment and the said nominated member still can be treated as a member of the society as bye-law 4 and bye-law 8 are to be read separately.

14. We are not in the agreement with the said interpretation given by the learned Single Judge of this Court for the reason that even if an original member is not living in a village, his/her membership can be cancelled under bye-law-7, which is a conceded fact whereas in the present case, Ajaib Singh, who was nominated by Ujjagar Singh to be a member of the society is not even a resident of the village Kheri how can Ajaib Singh be treated as member. Once, Ajaib Singh is not an ordinary resident of village concerned, even if he has been nominated by a member of the society, still the said nominated member has to fulfil the eligibility criteria to be a member of the society. Any nominated member who does not fulfil the eligibility criteria to be a member of the society, will not be entitled to be a member of the society upon being appointed as a nominee by a member of society upon his/her death only on the ground that he is a nominated



member.

16. Even if the interpretation given by the learned Single Judge is to be accepted that nominated member is to be considered a member of the society merely on the ground that he/she has been recommended/nominated by an existing member of society, then also when the said nominated member becomes a member of the society, he/she has to fulfil the requisites of bye-laws 4 & 7 of the society according to which, a person has to be an ordinary resident of the village so as to continue to be a member of the society. Hence, Ajaib Singh, who concededly is not an ordinary resident of the village concerned could not have been allowed to be as a member of the society and his membership will be considered bad as per bye-law-7 of the society. Hence, the interpretation given by the learned Single Judge in the impugned order to hold that Ajaib Singh has a valid right to be nominated as a member of the society despite the fact that Ajaib Singh does not fulfil the requisites of bye-laws 4 and 7 of the society according to which to become a member of society one has to be an ordinary resident of the village, which concededly is not the case with Ajaib Singh hence, the impugned order dated 24.03.2017 passed by the learned Single Judge of this Court is perverse to the bye-laws of the society and cannot be sustained in the eyes of law and is accordingly set aside.

17. The question which now arises for consideration after reaching to the conclusion that Ajaib Singh, who was nominated by Ujjagar Singh cannot be a member of the society is that whether the appellant can be treated as a member of the society instead or not.

18. A bare perusal of the bye-laws of the society reveals that only



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when an existing member nominates a person to be member of society upon his death, to whom his share will also be transferred, only then such a person will be considered as a member of the society which concededly is not the case as there is no nomination in favour of the appellant and hence, without there being any nomination, the appellant could not be treated as a member of the society.

20. Keeping in view the totality of the facts and circumstances of the present case, the present appeal is disposed of by setting aside the impugned order dated 24.03.2017 passed by the learned Single Judge of this Court with the observation that nomination of Ajaib Singh to be a member cannot be accepted and he cannot be treated as the member of the respondent-society and further even the appellant cannot be treated as a member of the society.

21. With regard to the land holding of Ujjagar Singh, the same can be settled by the Civil Court.

22. Pending application(s), if any, stands disposed of.

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

**(VIKAS SURJ)**  
**JUDGE**

**September 16, 2025**

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*Whether speaking/reasoned : Yes*

*Whether reportable : No*