**Before The Hon’ble Secretary (Co-Operation) To The Govt Of Hp At Shimla**

Appeal No. : \_\_\_\_\_\_ of 2004

Appellant

Versus

Respondents

Appeal under Section 93 of the Himachal Pradesh Co-operative Societies Act, 1968 against the order passed by the Ld. Registrar of Societies in case No. \_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_, whereby he has \_\_\_\_\_\_\_

Shimla                                                                          Appellant

\_\_\_\_\_\_                                                                                    Through, Advocate

Respectfully Sheweth:

1.  That briefly stated the facts of the case are that \_\_\_\_\_\_\_\_

GROUNDS

2.  That the appellant is invoking the jurisdiction of this Hon'ble court and seeking indulgence on the following grounds amongst others, each one of which is without prejudice to and independent of others :-

**BEFORE THE HON’BLE SECRETARY (CO-OPERATION) TO THE GOVT OF HP AT SHIMLA**

Appeal No. : \_\_\_\_\_\_ of 2004

Appellant

Versus

Respondents

Appeal under Section 93 of the Himachal Pradesh Co-operative Societies Act, 1968 against the order passed by the Ld. Registrar of Societies in case No. \_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_, whereby he has \_\_\_\_\_\_\_

Shimla                                                                          Appellant

\_\_\_\_\_\_                                                                                    Through, Advocate

Respectfully Sheweth:

1.  That briefly stated the facts of the case are that \_\_\_\_\_\_\_\_

GROUNDS

2.  That the appellant is invoking the jurisdiction of this Hon'ble court and seeking indulgence on the following grounds amongst others, each one of which is without prejudice to and independent of others :-

(a)        That the Ld. Registrar has mis-appreciated the evidence on record and mis-applied the provisions of law.

(b)        That \_\_\_\_\_

(c)        That a breach of the rules of natural justice has occurred in connection with the making of the decision by the Ld. Registrar below.

(d)        That procedure that was required to be observed in connection with the making of the decision was not observed.

(e)        \_\_ That the Ld. Registrar did not have jurisdiction to make the decision.

(f)         \_\_ That the decision was not authorised by the enactment in pursuance of which it was purported to be made.

(g)        \_\_ That the making of decision was on improper exercise of the powers conferred by the enactment in pursuance of which it was purported to be made.

(h)        \_\_ That decision incurred an error of law whether or not the error appears on the record of decision.

(i)         \_\_ That the decision was induced or affected by fraud;

(j)         \_\_ That there was no evidence or other material to justify the making of the decision.

(k)        \_\_ That the decision was otherwise contrary to law.

(l)         That the decision was made by taking an irrelevant consideration into account in the exercise of power.

(m)       That the Ld. Registrar below has failed to take relevant consideration into account in the exercise of a power.

(n)        That \_\_ an exercise of powers for a purpose other than a purpose for which the powers is conferred.

(o)        \_\_ That the impugned decision is made in exercise of discretionary powers in bad faith.

(p)        \_\_ That the impugned decision is a result of an exercise of a personal discretionary powers at the discretion or behest of another person.

(q)        \_\_ That the impugned decision is a result of an exercise of a discretionary powers not in accordance with a rule or policy and without regard to the merits of the present case.

(r)        \_\_ That the impugned decision has been rendered by an exercise of powers which is unreasonable that no reasonable person could have so exercised the powers.

(s)        \_\_ That the impugned decision has been made in an exercise of a power in such a way that the result of the exercise of the powers is uncertain.

(t)         \_\_ any other exercise of a power in a way that \_\_ abuse of powers.

(u)        \_\_ the person who made the decision was required by law to reach that decision only if a particular matter was established and there was no evidence or other material [including facts of which  he was entitled to take notice] from which he could reasonably be satisfied that the matter was established or

(v)        \_\_ the person who made the decision based on the existence of particular fact and that fact did not exist.

(w)       That the order of the Hon'ble Ld. Registrar below is against the well-settled principles of law laid down by the Hon'ble Apex court and this Hon'ble Court in catena of cases.

3.         That the appeal has been filed within the period of limitation after deducting the time taken for issuance of copy of the impugned order.

4.         That the appellant, therefore, prays that an appropriate writ, order or directions be issued for the following reliefs :-

(a)        Quash the impugned order \_\_  ;

(b)        Direct the respondents \_\_  ;

(c)        Call for the record from the Hon'ble Ld. Registrar below for perusal by this Hon'ble court and setting aside the impugned order of the Hon'ble Ld. Registrar below \_\_;

(d)        Direct the respondents to produce all the relevant records alongwith reply for perusal by this Hon'ble court;

(e)        Allow the cost of this writ petition to the appellant, and;

(f)         Allow such other relief or pass such other orders as deemed fit and proper in the facts and circumstances of the case in favour of the appellant and justice be done.

AND FOR THIS ACT OF KINDNESS, THE HUMBLE APPELLANT AS IN DUTY BOUND, SHALL EVER PRAY.

Shimla                                                                                      Applicant

\_\_\_\_\_\_                                                                                                Through, Advocate

**BEFORE THE HON’BLE SECRETARY (CO-OPERATION) TO THE GOVT OF HP AT SHIMLA**

Application No.: \_\_\_\_\_\_ of 2004 in Appeal No. \_\_\_\_\_\_ of 2004

Appellant/Applicant

Versus

Respondents/Non-applicant

Application under Section 95 of the Himachal Pradesh Co-operative Societies Act, 1968 praying for the interim directions \_\_\_\_\_\_\_\_

Shimla                                                                                      Applicant

\_\_\_\_\_\_                                                                                                Through, Advocate

Respectfully Sheweth:

1.         That the appellant/applicant has filed the above mentioned appeal in this Hon'ble court hearing whereof will take some time.

2.         That it is amply evident from the grounds of appeal and the documents attached therewith that the appellant/applicant has got a prima facie very good case in his favour and the appeal is likely to succeed in all eventuality.  The grounds of appeal may kindly be read as part of this application to avoid repetition.  The balance of convenience is also in favour of the appellant/applicant in passing the interim order.

3.         That the interest of justice demands that the interim order to the effect that \_\_\_\_\_\_ are passed in favour of the applicant/appellant.  No harm or prejudice will be cause to the respondents.  On the contrary, if the interim orders as prayed for are not passed in favour of the appellant/applicant, the appellant/applicant will suffer irreparable loss and injury which cannot be compensated in terms of money.

4.         It is therefore, most respectfully prayed that this application may kindly be allowed and the interim order to the effect that \_\_\_\_\_\_ may kindly be passed in the interest of justice.  Such other orders as deemed fit and proper in the facts and circumstances of the case may also kindly be passed in favour of the appellant/applicant.

Shimla                                                                                      Applicant

\_\_\_\_\_\_                                                                                                Through, Advocate

**BEFORE THE HON’BLE SECRETARY (CO-OPERATION) TO THE GOVT OF HP AT SHIMLA**

Application No.:\_\_\_\_\_\_ of 2004 in Appeal No.:\_\_\_\_\_\_ of 2004

Appellant/Applicant

Versus

Respondents/Non-applicant

Affidavit in support of application

I,\_\_\_\_\_\_, do hereby solemnly affirm and declare as under:-

1.         That the accompanying application has been prepared under my instructions.

2.         That the contents of paras 1 to 4 of the accompanying application are correct and true to the best of my knowledge and belief.

3.         That I further solemnly affirm and declare that this affidavit of mine is correct and true, no part of it is false and nothing material has been concealed therein.

Affirmed here at Shimla this the \_\_\_\_\_\_

Deponent

**BEFORE THE HON’BLE SECRETARY (CO-OPERATION) TO THE GOVT OF HP AT SHIMLA**

Appeal No. : \_\_\_\_\_\_ of 2004

Appellant/Applicant

Versus

Respondents/Non-applicant

## INDEX

|  |  |  |  |
| --- | --- | --- | --- |
| S. No. | Annx | Particular | Page Nos. |
| (1) |  | Appeal | 1-\_\_ |
| (2) | A-1 | \_\_ | \_\_ |
| (3) | A-2 | \_\_ | \_\_ |
| (4) | A-3 | \_\_ | \_\_ |
| (5) |  | Application for stay | \_\_ |
| (6) |  | Affidavit | \_\_ |
| (7) |  | Power of Attorney | \_\_ |

Shimla                                                                                      Applicant

\_\_\_\_\_\_                                                                                                Through, Advocate

3.         That the appeal has been filed within the period of limitation after deducting the time taken for issuance of copy of the impugned order.

4.         That the appellant, therefore, prays that an appropriate writ, order or directions be issued for the following reliefs :-

(a)        Quash the impugned order \_\_  ;

(b)        Direct the respondents \_\_  ;

(c)        Call for the record from the Hon'ble Ld. Registrar below for perusal by this Hon'ble court and setting aside the impugned order of the Hon'ble Ld. Registrar below \_\_;

(d)        Direct the respondents to produce all the relevant records alongwith reply for perusal by this Hon'ble court;

(e)        Allow the cost of this writ petition to the appellant, and;

(f)         Allow such other relief or pass such other orders as deemed fit and proper in the facts and circumstances of the case in favour of the appellant and justice be done.

AND FOR THIS ACT OF KINDNESS, THE HUMBLE APPELLANT AS IN DUTY BOUND, SHALL EVER PRAY.

Shimla                                                                                      Applicant

\_\_\_\_\_\_                                                                                                Through, Advocate

**BEFORE THE HON’BLE SECRETARY (CO-OPERATION) TO THE GOVT OF HP AT SHIMLA**

Application No.: \_\_\_\_\_\_ of 2004 in Appeal No. \_\_\_\_\_\_ of 2004

Appellant/Applicant

Versus

Respondents/Non-applicant

Application under Section 95 of the Himachal Pradesh Co-operative Societies Act, 1968 praying for the interim directions \_\_\_\_\_\_\_\_

Shimla                                                                                      Applicant

\_\_\_\_\_\_                                                                                                Through, Advocate

Respectfully Sheweth:

1.         That the appellant/applicant has filed the above mentioned appeal in this Hon'ble court hearing whereof will take some time.

2.         That it is amply evident from the grounds of appeal and the documents attached therewith that the appellant/applicant has got a prima facie very good case in his favour and the appeal is likely to succeed in all eventuality.  The grounds of appeal may kindly be read as part of this application to avoid repetition.  The balance of convenience is also in favour of the appellant/applicant in passing the interim order.

3.         That the interest of justice demands that the interim order to the effect that \_\_\_\_\_\_ are passed in favour of the applicant/appellant.  No harm or prejudice will be cause to the respondents.  On the contrary, if the interim orders as prayed for are not passed in favour of the appellant/applicant, the appellant/applicant will suffer irreparable loss and injury which cannot be compensated in terms of money.

4.         It is therefore, most respectfully prayed that this application may kindly be allowed and the interim order to the effect that \_\_\_\_\_\_ may kindly be passed in the interest of justice.  Such other orders as deemed fit and proper in the facts and circumstances of the case may also kindly be passed in favour of the appellant/applicant.

Shimla                                                                                      Applicant

\_\_\_\_\_\_                                                                                                Through, Advocate

**BEFORE THE HON’BLE SECRETARY (CO-OPERATION) TO THE GOVT OF HP AT SHIMLA**

Application No.:\_\_\_\_\_\_ of 2004 in Appeal No.:\_\_\_\_\_\_ of 2004

Appellant/Applicant

Versus

Respondents/Non-applicant

Affidavit in support of application

I,\_\_\_\_\_\_, do hereby solemnly affirm and declare as under:-

1.         That the accompanying application has been prepared under my instructions.

2.         That the contents of paras 1 to 4 of the accompanying application are correct and true to the best of my knowledge and belief.

3.         That I further solemnly affirm and declare that this affidavit of mine is correct and true, no part of it is false and nothing material has been concealed therein.

Affirmed here at Shimla this the \_\_\_\_\_\_

Deponent

**BEFORE THE HON’BLE SECRETARY (CO-OPERATION) TO THE GOVT OF HP AT SHIMLA**

Appeal No. : \_\_\_\_\_\_ of 2004

Appellant/Applicant

Versus

Respondents/Non-applicant

## INDEX

|  |  |  |  |
| --- | --- | --- | --- |
| S. No. | Annx | Particular | Page Nos. |
| (1) |  | Appeal | 1-\_\_ |
| (2) | A-1 | \_\_ | \_\_ |
| (3) | A-2 | \_\_ | \_\_ |
| (4) | A-3 | \_\_ | \_\_ |
| (5) |  | Application for stay | \_\_ |
| (6) |  | Affidavit | \_\_ |
| (7) |  | Power of Attorney | \_\_ |

Shimla                                                                                      Applicant

\_\_\_\_\_\_                                                                                                Through, Advocate