

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ **R.F.A. No.330/2000**

Date of decision : 23.10.2009

IN THE MATTER OF :

C.B.S.E. Appellant
Through : Mr. Amit Bansal, Adv.

versus

Shri Dharam Pal Singh & Ors. Respondents
Through: None.

CORAM

*** HON'BLE MS.JUSTICE HIMA KOHLI**

1. Whether Reporters of Local papers may be allowed to see the Judgment? No.
2. To be referred to the Reporter or not? No.
3. Whether the judgment should be reported in the Digest? No.

HIMA KOHLI, J. (ORAL)

1. The present appeal is directed against the judgment and decree dated 9.2.2000, passed in a suit instituted by the appellant (plaintiff in the trial court) against the respondents (defendants in the

trial court), employees of the appellant, for permanent injunction, praying inter alia for injuncting the respondents from shouting slogans, holding meetings, holding demonstrations, etc., at the office of the appellant ; from obstructing, intimidating or preventing ingress and egress of the staff of the appellant ; from taking out any procession, *dharna* or holding any demonstrations, etc., within a radius of 25 meters from the office premises of the appellant, etc. The cause of action for instituting the suit in the year 1989, was stated to be the action of the respondents in extending threats and trying to *gherao* the senior officers of the appellant, thus disturbing normal functions of the appellant and holding of demonstration, etc., outside the office of the appellant.

2. After examining the evidence, the trial court held that the defendants could hold meeting, demonstration, *dharna* and peaceful picketing, without disturbing the ingress and egress from the aforesaid premises. However, the trial court was not convinced by the testimony of two witnesses who appeared on behalf of the appellant, i.e., PW-1 and PW-2 for the reason that neither of the two witnesses stated that they had any personal knowledge about the incident which

had taken place in the year 1988-89 and nor could they identify the employees who extended threats to the Chairman and the Secretary of the appellant. As a result, the suit of the appellant was dismissed.

3. Much water has flown ever since. It is now two decades since the institution of the aforesaid suit by the appellant and a decade since the passing date of the impugned judgment. Counsel for the appellant concedes that no cause of action survives as on date. The appeal is disposed of as having been rendered infructuous.

4. Needless to state that the findings given in the impugned judgment and decree, shall not preclude the appellant from seeking its remedies, if any, as and when a fresh cause of action accrues in its favour in the future.

5. Trial court record be released forthwith. File be consigned to the record room.

HIMA KOHLI,J

OCTOBER 23, 2009/sk