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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Reserve: April 27, 2010
Date of Order: May 31, 2010

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Sanatan Dharam Education Trust
Through: Ms. Purnima Sethi, Advocate

31.05.2010
...Appellant

Versus

Sushil Kumar Gupta & Ors.
Through: Mr. P.D. Gupta, Mr. Kamal Gupta and Mr. Abhishek Gupta, Advocates
for R-1

...Respondents

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

JUDGMENT

1. This appeal has been preferred by the appellant against order dated 9th March, 2010 passed by learned Additional District Judge whereby he dismissed an application under Order 39 Rule 2A CPC made by the appellant.

2. A perusal of record would show that while disposing of an application under Order 39 Rule 1 and 2 CPC, the learned trial court directed that defendant no.1 shall not convene any meeting of the Trust to discuss the agenda as contained in his notice dated 9th September 2009. An application under Order 39 Rule 2A CPC was made by the present appellant saying that defendant no.1 had convened a meeting vide another notice dated 7th March, 2010 despite an injunction order on 8th March, 2010. The learned ADJ after going through the notice observed that this meeting was not convened by defendant no.1 in terms of notice dated 9th September 2009. The notice was signed and circulated by all the trustees of the trust and defendant no.1 had signed the notice as

a trustee and not as secretary of the trust and that there was no restrain order against the trustees of the trust to convene a meeting of the trust.

3. It is apparent that there was no violation of order dated 3rd March, 2010 passed by learned trial court. I have perused order dated 3rd March, 2010 and the suit. The suit was filed by Sanatam Dharam Education Trust against various persons wherein it was alleged that defendant no.1 had wrongly inducted himself as a trustee by exerting pressure and adopting coercive means and he later on became secretary and had issued the impugned notice.

4. It is settled law that the injunction order is given in reference to the suit. No injunction order is general in nature. If injunction order was against the person acting as a secretary, from enforcing the notice, such injunction order would not prevent each and every other trustees from acting for and on behalf of the trust. I find no force in this appeal. The appeal is hereby dismissed.

May 31, 2010
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SHIV NARAYAN DHINGRA J.