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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(OS) 277/2009

NAV SANSAD VIHAR CO-OPERATIVE  
GROUP & ANR.

..... Plaintiffs

Through : Mr. J.N. Gupta, Adv.

versus

MR. R.R. SAHU & ORS  
Defendants

.....

Through : Mr. H.S. Phoolka, Sr. Adv. with Mr. R.K. Joshi, Adv. for defendant no.1.  
Mr. Ashok Kashyap, Adv. for defendant no.2 along with defendant no.2.  
Mr. M.K. Singh, Adv. for defendant no.3 along with defendant no.3.  
Mr. Rahul Bhandari, Adv. for Mr. Rajiv Bansal, Adv. for defendant no.4.  
Mr. C. Mohan Rao and Mr. Lokesh Sharma, Adv. for the applicant in I.A.NO.17455/2011

**CORAM:**

**HON'BLE MR. JUSTICE G.S.SISTANI**

**ORDER**

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**08.11.2011**

1. Plaintiffs have filed the present suit for permanent injunction with the following prayers:

- (a) Pass a decree of permanent injunction in favour of the plaintiffs, restraining the defendants nos.1 and 2, their servants, agents, employees, representatives, etc. from, in any manner, acting, holding themselves out and/or representing the Plaintiff No.2 Club, either in the capacity of Vice President or Secretary respectively or otherwise, either before the Defendant no.4 or any other authority, forum, or body whether of public or private nature or anywhere else;
- (b) Pass a decree of permanent injunction in favour of the plaintiffs, restraining the Defendant nos.1, 2 and 3, their servants, agents, employees, representatives etc., from, in any manner, interfering with, disturbing or obstructing the peaceful possession, occupation and enjoyment of the said land, being a plot of land measuring 10,000 sq. mts. situated in Section 19, Dwarka (allotted vide Allotment letter dated 29.03.1996, bearing No.F 13 (5)/84.Instl./752), and the use and

enjoyment of Club facilities by the members of the plaintiffs.

2. A letter of authorization dated 7.11.2011 duly signed by defendant no.1 has been handed over in Court by Mr. R.K. Joshi, learned counsel for defendant no.1, wherein defendant no.1 has instructed Mr. R.K. Joshi that due to his ill health, it is not possible for him to participate in the affairs of Club and to contest the above suit and he has no objection if an order is passed that he will not act on behalf of Sanjay Club and he will not represent it before DDA as Vice-President of Sanjay Club. The communication dated 7.11.2011 is taken on record.
3. Mr. H.S. Phoolka, learned senior appearing on behalf of defendant no.1 on instructions from Mr. R.K. Joshi, Advocate, submits that he has instructions not to oppose prayers made in the present suit.
4. Defendants no.2 and 3 are present in Court and they are duly identified by their respective counsel. Statements of defendants no.2 and 3 have been recorded separately wherein they have deposed that they have no objection if decree is passed in terms of prayers (a) and (b) of the plaint. Statement of Sh. R.K. Joshi, learned counsel for defendant no.1 has also been recorded separately.
5. Having regard to the stand taken by defendants no.1 to 3, present suit is decreed in terms of prayers (a) and (b) of the plaint, leaving the parties to bear their own costs. No relief has been claimed against defendant no.4. Let a decree sheet be drawn up accordingly.

**I.A.NOS.1982-83/2009, 5422/2009, 2997/2010 & 17455/2011.**

6. In view of the order passed in the suit, applications stand disposed of.

**G.S.SISTANI,J**

**NOVEMBER 08, 2011**

msr

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