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

+ **FAO 272/2013**

**RANI BAGH CRICKET CLUB & ORS** ..... Appellants  
Through Mr.V.P.Singh, Sr.Adv. with  
Mr.R.Kumar, Adv.

versus

**YOUNG ASSOCIATION CRICKET CLUB (REGD.) & ORS**

..... Respondents

Through Mr.Tanuj Khurana, Adv. for R-9  
Mr.Gautam Dutta, Adv. for R-1,2,3  
Mr.J.S.Bakshi and Mr.A.K.Bakshi, Advs. for  
DDCA

(29) **FAO 275/2013**

**YOUNG ASSOCIATION CRICKET CLUB (CRICKET DIVISION  
OF RADHEY MOHAN CLUB)** ..... Appellant

Through Mr.Suhail Dutt, Sr.Adv. with  
Mr.S.Goswami, Mr.Azhar Alam, Advs.

versus

**YOUNG ASSOCIATION CRICKET CLUB & ORS** ..... Respondents

Through Mr.Gautam Dutta, Adv. for R-1,2,3  
Mr.J.S.Bakshi and Mr.A.K.Bakshi, Advs. for  
DDCA

**CORAM:**

**HON'BLE MR. JUSTICE V.K. SHALI**

**ORDER**

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**17.07.2013**

1. Mr.V.P.Singh, learned senior counsel for the appellants has very

fairly stated that the elections have already been conducted in terms of the directions passed by this Court and the difference of votes between the last candidate to the Sports Working Committee and the immediate candidate following him is of 14 votes and, therefore, it was not required to open the votes cast by the Clubs which was permitted by the trial court. A copy of the result of the DDCA in this regard has been duly signed by Justice S.K.Mahajan (Retd.), Election Officer and has been handed over in Court. The same is taken on record.

2. However, Mr.Singh, learned senior counsel has submitted that the observations which have been passed by the trial court in the impugned order should not have any impact while deciding the case on merits or any other application which may be filed by any of the parties to the suit during the pendency of the same.
3. This fact is not contested either by Mr.Bakshi, learned counsel for the DDCA or by the learned counsel for other respondents.
4. I have carefully considered the submissions and gone through the impugned order.
5. Normally the Courts while disposing of the application under Order

39 Rules 1 and 2 CPC observe that the views expressed in the order while disposing of application under Order 39 Rules 1 and 2 CPC are only tentative in nature and shall not be taken as a decision on the merits of the case, however, curiously in the instant case, it seems that the learned Additional District Judge has inadvertently forgotten to make a mention in this regard. Therefore, it is made clear that the observations or the views expressed by the Additional District Judge in the impugned order are only tentative and shall not be taken as an expression of an opinion on the merits of the case nor shall the learned Judge be influenced by the observations so made while considering any other interim application as and when the same is filed.

6. With these observations, the present appeal is being treated as not pressed.

  
V.K. SHALI, J

**JULY 17, 2013**

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