

Court No. - 7

Case :- MATTERS UNDER ARTICLE 227 No. - 13204 of 2016

Petitioner :- Hargovind Kayasth Hostel Society
Thru Naresh S. Srivastava

Respondent :- Addl. Distt. Judge Court No. 5 Lko
And Ors

Counsel for Petitioner :- Akhilesh Pratap
Singh,Raghaw Ram Upadhyay

Counsel for Respondent :- Durga Shankar
Bajpai,Ashok Kumar Bajpai,In Person,Virendra
Kumar

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the petitioner and perused the record. None turned up on behalf of the respondent even in the revised call.

2. The present petition has been filed by the petitioner challenging the order dated 27.05.2015 as well as the order dated 12.04.2016, whereby the application under Order 1 Rule 10 filed at the instance of the petitioner was rejected and the revision preferred was also dismissed.

3. The contention of the counsel for the petitioner is that the suit for injunction was filed by the opposite party no. 3 against the opposite party no. 4 seeking a decree of mandatory injunction. The petitioners claiming themselves to be owner through the Secretary, who is authorized to act on behalf of the society moved an application stating that the petitioner was the Secretary, who is authorized to represent the society, the said application came to be dismissed by the trial Court holding that the petitioner was neither a necessary nor a proper party. The revision is also came to be dismissed. A supplementary affidavit has been filed indicating that during the pendency of the petition above noted, an order came to be passed on 04.07.2022 with regard to the registration of the petitioner's society.

4. In view of the said development, the two impugned orders are quashed. It is directed that the society shall be impleaded as a party even if no relief is sought as the petitioner would be a proper party even if not a necessary party.

5. The petition is ***disposed of*** in terms of the above.

Order Date :- 19.12.2024

Arun