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

Date of hearing and order : 7th October, 2016

+ CONT.CAS.(CRL) 6/2015
PUSHPINDER KUMAR MAHAJAN

..... Petitioner

Through: Ms. Vibha Mahajan Seth, Advocate
with petitioner in person.

versus

STATE (CHIEF SECRETARY) & ORS

..... Respondent

Through: Mr. G. Tushar Rao, Advocate for
respondent No. 4 to 10
Mr. Mayank Sharma, Advocate for
respondent No. 3.

+ CONT.CAS(C) 123/2016
VIJAY MAHAJAN

..... Petitioner

Through: Mr. G. Tushar Rao, Advocate

versus

AKHIL BHARATIYA MAHAJAN SHRIOMANI
SABHA THR ITS PRESIDENT & ORS

..... Respondent

Through: Ms. Vibha Mahajan Seth, Advocate
with respondent No.1 in person.

CORAM:
HON'BLE MS. JUSTICE GITA MITTAL
HON'BLE MR. JUSTICE P.S.TEJI

ORDER
% **07.10.2016**
GITA MITTAL, J. (ORAL)

1. These two matters relate to elections to the respondent society – the Akhil Bhartiya Mahajan Shriomani Sabha. The petitioner as well as the private respondents are members of the society. Vide order dated 21.09.2016, on request of the private parties, the matters were referred to the Delhi High Court Mediation & Conciliation Centre, for the purpose of conciliation. The parties discussed the matter with the assistance of Ms. Veena Ralli, Mediator, from the Delhi High Court Mediation & Conciliation Centre and entered into the settlement dated 06.10.2016.

2. The original agreement has been placed by the Centre before us. We note that in the last order dated 06.10.2016, name of Mr. G. Tushar Rao, counsel appearing on behalf of private respondents was not reflected, however he was also present in court on that date.

3. Learned counsel appearing for the private parties identify the

signatures of their respective clients on the settlement agreement. The Agreement is signed by all parties, except respondent No. 2, who was not present during the conciliation proceedings. It is also confirmed that the settlement agreement faithfully records the terms of the settlement.

4. The settlement appears to be voluntary, bonafide and entered into without any coercion on any parties. There is therefore, no legal impediment in taking the said settlement on record. It is so directed. Parties shall remain bound by the terms of the Settlement Agreement, which is marked Ex. C-1.

5. In view of the settlement between the parties, a prayer is made by Ms. Vibha Mahajan Sethi, on instructions of Pushpinder Kumar Mahajan who is personally present in court, that he does not wish to press the contempt proceedings and prays that the notice issued by this court may be discharged.

6. Mr. G. Tushar Rao, Advocate for respondent No. 4 to 10 submits that the contempt petition itself is misconceived and that the proceedings initiated against his clients were not maintainable right

from the inception.

7. In view of the prayer made for withdrawal of the proceedings and discharge of notice by Ms. Vibha Mahajan Seth, on behalf of the petitioner, we are not going into the objection raised by counsel for the respondents or the merits of the case.

8. Accordingly, it is directed that the notice ordered to be issued to the respondents vide order dated 08.02.2016 shall stand discharged. Consequently, the Contempt Case (C) No.123/2016 does not therefore survive and shall stand disposed of.

9. Learned counsel for the parties further pray that the notice issued to respondent vide order dated 27.05.2015 passed in C.S. (OS) No.1719/2012 may be discharged in order to enable the parties to proceed with the affairs of the respondent society for which purpose the society has been created. It is submitted that the same would be in the larger interest of the society and its members.

10. Keeping in view the larger interest of the society as well as Agreement dated 06.10.2016, arrived at between the parties to which

all members of the respondent No.1 society, it is also directed that the notice dated 27.05.2016 in C.S. (OS) NO. 1719/2012 shall stand discharged.

11. In the light of the aforesaid, both the petitions are disposed of.

GITA MITTAL, J

P.S.TEJI, J

OCTOBER 07, 2016
pkb

