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

+ **CS(OS) 2955/2015**

**CLICK TO TRAVEL PVT LTD** ..... Plaintiff

Through: Mr. Anuj Jain, Advocate

versus

**INDIAN CENTRE FOUNDATION & ORS** ..... Defendant

Through:

**CORAM:**

**HON'BLE MR. JUSTICE VIPIN SANGHI**

**ORDER**

**19.01.2016**

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**I.A. No.23119/2015**

By this application, the applicant/plaintiff seeks condonation of 16 days delay in filing the chamber appeal. For the reasons stated in the application, the same is allowed. The plaintiff has disclosed sufficient cause for filing within the period of limitation. The application stands disposed of.

**O.A. No.435/2015**

The present appeal is directed against the order dated 29.09.2015, whereby the learned Joint Registrar has deleted defendant nos.2 to 25 from the array of parties.

The submission of learned counsel for the plaintiff is that the said order has been passed even before issuance of summons in the suit. The said defendants have yet to appear and explain their status qua defendant no.1. The submission is that it is not clear to the plaintiff whether defendant nos.2 to 25 are members of the executive board or trustees as constitution of

defendant no.1 – whether it is a society or a trustee is not clear.

Learned counsel submits that on the website of defendant no.1, some of the defendants amongst defendant nos.2 to 25 have been shown as members of the executive board, while the others have been shown as trustees of defendant no.1. He submits that, in law, the trustees are personally liable and consequently to delete defendant nos.2 to 25, at this stage, would cause prejudice to the plaintiff.

I find merit in this submission of the plaintiff. The deletion of defendant nos.2 to 25 or any of them is an aspect which could be considered after service of summons on the said defendants. Accordingly, the order dated 29.09.2015 insofar as it deletes defendant nos.2 to 25 from the array of parties is set aside.

**CS(OS) 2955/2015**

In view of the notification No.2718/DHC/Orgl. dated 25.11.2015, issued under Section 4 of the Delhi High Court (Amendment) Act, 2015 (Act 23 of 2015), at the request of the counsels for the parties, the present suit is transferred to the Court of the District Judge (South-East), Saket Courts for further proceedings before the competent court on 10.05.2016. The Court shall proceed to issue summons to all the defendants on the next date, unless defendant no.1 is represented before it.

**VIPIN SANGHI, J**

**JANUARY 19, 2016**

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