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

+ **CM(M) 118/2017**

THE HERITAGE SCHOOL Petitioner
Through Mr.Sacchin Puri, Sr. Advocate with
Ms.Poorva Pant and Ms.Mehak Tanwar,
Advocates.

versus

AJAY AGGARWAL & ORS Respondents
Through Mr.Mayank Bansal and Mr.Rajeev
Saini, Advocates.
Mr.Santosh Kumar Tripathi, ASC with Mr.
Rizwan, Advocate for R-4 & 5.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
23.02.2017

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CAV 87/2017

Since the counsel for the caveator has entered appearance, the caveat stands discharged.

CM No. 3743/2017 (exemption)

Allowed subject to just exceptions.

CM(M) 118/2017 and CM No. 3742/217 (stsay)

1. By the present petition filed under Article 227 of the Constitution of India, the petitioner seeks to impugn the order dated 30.11.2016 by which an application filed by respondent No. 1 under Order 6 Rule 17 CPC was allowed and an application filed by the petitioner under Order 7 Rule 11

CPC was dismissed.

2. The bone of contention is the elections which have been held regarding the Parent Teacher Association of the petitioner's school. Respondent No .1 had filed the present suit seeking a relief of declaration that notice dated 16.08.2016 by which the elections were called was null and void. Other connected reliefs were also sought. However, as subsequently on account of the injunction granted by the trial court being vacated by this court, the elections have been held and a new Executive Committee of the Association is in place.

3. I have heard the learned senior counsel for the petitioner.

4. After some arguments, he has confined his submissions to the fact that in the amended plaint, the new Executive Committee Members who have been elected in the elections that was conducted have not been impleaded individually as a party and no relief has been sought against them.

5. Learned counsel for the respondents submits that in view of the above objection being raised by the petitioner, the respondents are ready and willing to implead each of the executive committee members who have been elected in the elections held on 31.08.2016 in the individual capacity and would also amend clause (b) of the prayer clause in the amended plaint whereby a relief would be sought regarding declaration that the newly impleaded defendants have been elected through illegal process for the PTA Elections for the year 2016-18 in violation of the guidelines prescribed by Directorate of Education and the same is null and void.

6. In view of the submission of the learned counsel for the respondents, learned senior counsel for the petitioner submits that he would like to withdraw the present petition.

7. Keeping in view the proceedings before this court, the executive committee members who have been elected in the elections held on 31.08.2016 are impleaded as parties to the suit. The respondents may file amended memo of parties before the trial court. Similarly, the respondents may move an appropriate application before the trial court for amendment of clause B of the prayer clause.

8. Accordingly, the petition is dismissed as withdrawn. All pending applications also stand dismissed.

JAYANT NATH, J

FEBRUARY 23, 2017

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