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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 418/2017, IA No.11101/2017 (u/O VI R-17 CPC), IA No.11102/2017 (u/O I R-10(2) CPC), IA No.11103/2017 (u/O XXIII R-1 CPC) and IA No.10198/2017 (u/O XXXIX R-1&2 CPC)
HUA SENG CHEW & ORS Plaintiffs

Through: Mr. Rajiv Nayyar, Sr. Adv. with Mr. Prashant Mishra & Ms. Jomol Joy, Advs.

Versus

SHANTANU PRAKASH & ORS Defendants

Through: Mr. A.S. Chandhiok, Sr. Adv. with Ms. Bani Dixit, Mr. A.S. Gyani, Ms. Sweta Kakkad, Ms. Pallavi Kumar, Ms. Deepti Arya & Mr. Anshu Kapoor, Advs. for D-1.
Mr. Shambo Nandy & Mr. Arijit Mazumdar, Advs. for D-3.

AND

+ CS(OS) 655/2017, IAs No.14509/2017 (u/O XXXIX R-1&2 CPC) & 14512/2017 (u/S 92 CPC)
DORIS CHUNG GIM LIAN AND ANR. Plaintiffs

Through: Mr. Rajiv Nayyar, Sr. Adv. with Mr. Prashant Mishra & Ms. Jomol Joy, Advs.

Versus

SHANTANU PRAKASH & ORS. Defendants

Through: Mr. A.S. Chandhiok, Sr. Adv. with Ms. Bani Dixit, Mr. A.S. Gyani, Ms. Sweta Kakkad, Ms. Pallavi Kumar, Ms. Deepti Arya & Mr. Anshu Kapoor, Advs. for D-1.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

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ORDER
20.12.2017

CS(OS) 418/2017

1. The senior counsel for the plaintiffs, on instructions, states that the plaintiffs withdraw this suit.
2. The senior counsel for the defendant no.1 and counsel for defendant no.3 have no objection except for costs.
3. None appears for the defendants no.2 and 4 to 9. The defendants no.10 and 16 are plaintiffs in CS(OS) No.655/2017 and whose counsel states that he having already instituted the suit, has no objection.
4. The suit is dismissed as withdrawn.
No costs.
5. The date already given of 12th March, 2018 is cancelled.

CS(OS) 655/2017

6. This suit has been filed under Section 92 of the CPC with respect to the affairs of the defendant no.9 Jai Radha Raman Education Society, a Society registered under the Societies Registration Act, 1860.
7. Qua the maintainability of a suit under Section 92 of the CPC vis-a-vis a society, while the senior counsel for the defendant no.1 refers to '**ABHAYA**', *A Society Registered under the Travancore-Cochin Literary Vs. J.A. Raheem* AIR 2005 Ker 233, the senior counsel for the plaintiffs refers to my judgment in *S.P. Jain Vs. Govt. of NCT of Delhi* 2013 SCC OnLine Del 2974.

8. The defendant no.9 Jai Radha Raman Education Society was established to render service in the field of education and has established an Engineering and Management College at Noida and which is stated to have been affiliated with All India Council for Technical Education (AICTE). The senior counsel for the plaintiffs however states that owing to the deadlock in the Management, the students have been allowed to migrate to other colleges.

9. A question would also arise about the maintainability of the suit in Delhi since the only institution of the defendant no.9 Jai Radha Raman Education Society is beyond the territorial jurisdiction of this Court.

10. It also appears that the Abdul Kalam University, Uttar Pradesh, to which the said college is affiliated as well as the AICTE may be a necessary party inasmuch as owing to the deadlock in Management, the educational institution cannot be permitted to suffer.

11. Before proceeding further, it is deemed appropriate to grant an opportunity to the parties to, if are able to settle their disputes *inter se*, do so before outside agencies are called for and which may result in a situation of both the parties losing domain over the College.

12. List on 17th January, 2018.

RAJIV SAHAI ENDLAW, J

DECEMBER 20, 2017

‘gsr’..