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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 39/2018

MR. ASHISH KUMAR HALDER & ORS Plaintiffs

Through: Mr. Mohit Chaudhary, Mr. D.K. Sharma and Ms. Garima Sharma, Advocates.

versus

RAISINA BENGALI SCHOOL SOCIETY & ORS Defendants

Through: Ms. Maninder Acharya, Sr. Advocate with Mr. Nelay Das Gupta, Mr. Viprav Acharya, Mr. Harshul Choudhary and Mr. Sahil Sood, Advocates for R-1 to 3.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **30.01.2018**

CAVEAT No. 74/2018

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

I.A. No. 1399/2018 (for exemption)

Exemption allowed, subject to all just exceptions.

I.A. stands disposed of.

CS(OS) 39/2018 and I.A. Nos. 1397/2018 (for stay) & 1398/2018 (under Order 40 Rule 1, seeking appointment of receiver)

1. After arguments this suit is at this stage disposed of as not pressed with respect to the causes of action and reliefs claimed in the suit but liberty as prayed for is granted to the plaintiffs to file a suit after the plaintiffs or any of them inspects the ballot papers

of the elections and which have been counted for the purpose of results being declared of the elections to the governing body of the defendant no. 1.

2. Inspection of the ballot papers will be allowed by the Returning Officer/defendant no. 2 to plaintiffs or any of the plaintiffs on being given a notice of 48 hours, and also after results are declared of the elections to the governing body of the defendant no. 1 by the defendant no. 2, and which shall be done within a period of 48 hours from today. It is also further clarified that inspection which the plaintiff(s) will do of the ballot papers will not only be in the presence of the Returning Officer/defendant no. 2 but the Returning Officer can have that much assistance so as to ensure that sanctity of the ballot papers remain and these entire proceedings of inspection will be video-graphed by Returning Officer/defendant no. 2. It is also clarified that the ballot paper with respect to the subject election will be preserved and sealed by the Returning Officer/defendant no. 2 and will remain in his possession subject to any further orders to be passed in any appropriate judicial proceedings.

3. No further orders are passed in this suit or on the interim applications filed herein, reserving the liberty with the plaintiffs to take appropriate steps in accordance with law after inspection of the ballot papers.

4. *Dasti* to counsels for the parties.

VALMIKI J. MEHTA, J

JANUARY 30, 2018/^{JK}
CS(OS) 39/2018

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