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

+ RFA 132/2015 and C.M. No.32687/2016(stay)

M/S BAPTIST UNION OF NORTH INDIA Appellant

Through: Mr. Rakesh K. Khanna, Senior Advocate with Mr. Aman Vachher, Advocate, Mr. Ashotosh Dubey, Advocate, Ms. Drishti Rathore, Advocate, Mr. Abhishek Chauhan, Advocate and Mr. Arun Nagar, Advocate (M. No.9953587630).

versus

WALTER DAVID & ORS

..... Respondents

Through: Mr. Darpan Wadhwa, Senior Advocate with Mr. P.S. Bindra, Advocate and Mr. Sachin Verma, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **18.09.2018**

1. After arguments, the appeal and the suit are disposed of as not pressed inasmuch as learned senior counsel for the appellant on instructions states that a suit plaint will be filed in accordance with law containing a complete cause of action of as to how the appellant is entitled to be part of management of the respondent no.5/defendant no.5-company which is

registered under Section 25 of the Companies Act, 2013 with the fact that if in the alternative the case of the appellant is that of a public spirited person to file proceedings under Section 92 of Code of Civil Procedure, 1908 (CPC), then, on the basis of such cause of action and with respect to which aspect this Court makes no observations on merits one way or the other, the appellant/plaintiff can always file an appropriate suit in accordance with law. Dehors the aforesaid aspects, statement of the learned senior counsel for the respondents is recorded on instructions that the respondent no.5 has not sold or alienated any of the properties as are mentioned in Schedule to the plaint.

2. Appeal and the suit are accordingly disposed of with the aforesaid observations and liberty.

VALMIKI J. MEHTA, J

SEPTEMBER 18, 2018

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