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

+ CM(M) 245/2018 & CM Appln. No.8117/2018

VIDYUT ARORA

..... Petitioner

Through: Mr. Pradeep Dewan, Sr. Adv. with
Mr. Vikram Gujral, Adv.

versus

S BLOCK WELFARE SOCIETY & ORS

..... Respondents

Through: Mr. O.P. Mishra, Adv. for R2.
Mr. Sunil Goyal and Mr. Deepak,m
Advs. for R4, R6 and R10.
Ms. Madhuri Dhingra, Adv. for R11.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **13.04.2018**

1. The petitioner and respondent No.11 instituted a suit for declaration, perpetual injunction and mandatory injunction for declaring the election of the Managing Committee of S. Block Welfare Society, Greater Kailash, New Delhi for the period 2017 to 2019 held on 30th April, 2017 to be null and void; for restraining the elected members of the Committee from holding the office and a direction for re-polling of the elections. Along with the aforesaid suit, the petitioner filed an application under Order XXXIX Rule 1 and 2 CPC for restraining the members of the Managing Committee from holding the office and for appointment of a receiver.
2. Vide order dated 21st November, 2017, the Trial Court dismissed the application under Order XXXIX Rule 1 and 2 CPC which was challenged in appeal. The appeal was dismissed on 29th January, 2018 against which the petitioner has approached this Court.
3. Learned senior counsel for the petitioner submits that the Managing

Committee was elected for a period of two years from 2017 to 2019 and one year has almost passed.

4. This Court is of the view that recording of the evidence is necessary to adjudicate the rights of the parties and, therefore, it would be appropriate to expedite the trial of the suit.

5. Learned counsels for the parties submit that the suit is listed for admission/denial of documents and framing of issues before the Trial Court on 23rd May, 2018. The parties agree that the date of admission/denial of documents and framing of issues be preponed and after the framing of the issues, a Retd. Judicial Officer be appointed as a Local Commissioner to record the evidence. Learned counsels for the parties agree to conclude the evidence within a period of 60 days from the date of the appointment of the Local Commissioner by the Trial Court.

6. In the facts and circumstances of this case and with the consent of the parties, the date of hearing before the Trial Court is preponed from 23rd May, 2018 to 26th April, 2018 at 02:00 P.M. when the parties shall carry out the admission/denial of documents and the Trial Court shall frame the issues. The Trial Court shall thereafter appoint a Retd. Judicial Officer as a Local Commissioner to record the evidence. The expenses of Local Commissioner shall be borne equally by both the parties. The Local Commissioner shall complete the recording of the evidence within a period of 60 days. The Trial Court shall fix the case for final arguments in July, 2018.

7. Learned counsels agree not to seek any adjournment before the Trial Court on 26th April, 2018 as well as on the date for final hearing to be fixed by the Trial Court. Learned Trial Court shall expedite the hearing and endeavour to decide the suit within 30 days of the conclusion of the oral arguments.

8. Learned senior counsel for the petitioner submits that the Managing Committee is holding the general body meeting of the society on 15th April, 2018. The decisions taken in general body meeting shall be subject to the outcome of the suit.
9. This petition and the pending application are disposed of in the above terms.
10. Trial Court record be returned back forthwith.
11. Copy of this order be given *dasti* to learned counsels for the parties under signature of Court Master.

J.R. MIDHA, J.

APRIL 13, 2018
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