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

+ FAO(OS)74/2018 & CM No.16970/2018

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Date of decision: 4th July, 2018

RAVINDRA NATH SAHNI Appellant
Through : Ms. Anisha Banerji, Adv.

versus

M/S CHEMSFORD CLUB LTD & ORS. Respondents
Through : Mr. Suhail Dutt, Sr. Adv. with
Mr. Sankalp Goswami and Mr.
Azhar Alam, Advs. for R-1

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

1. The present appeal assails the order dated 5th March, 2018 passed by the learned Single Judge in CS(OS) No. 492/2016 to the extent that it holds prayers (a), (c) and (d) as infructuous and prayer (e) as being without a legal cause of action.

2. The suit was filed in the year 2016 with regard to elections to the Managing Committee of the respondent no.1 conducted for the year 2016-17. Inasmuch as the period for which the Managing Committee had been elected was over, the learned Single Judge passed the above order. So far as prayer (e) was concerned, the appellant had made a general prayer thereby seeking restraint on the Managing Committee from allowing casting of bulk votes through employees of the defendant club. In this background, the learned Single Judge held that this prayer was made without any legal cause of action supporting the same.

3. It is submitted by Ms. Anisha Banerji, learned counsel for the appellant that she would be making an application for amendment of the plaint to incorporate a challenge so far as the subsequent elections are concerned. It is always open to a party to seek amendment of a plaint to incorporate pleas which are permitted by law. Such an application as and when made would be considered by the Single Judge in accordance with law and the factual background placed by the appellant before him.

4. In view of the above, the order of the learned Single Judge to the extent that it has held prayers (a), (c) and (d) as infructuous for the reason that the Managing Committee which had been appointed pursuant to the impugned elections, ceased to exist when the subsequent elections were held and the challenges to its appointment was futile. Similarly, the prayer made at serial no. (e) is completely of a general nature and is not premised on any specific allegation. In view thereof, the order of the learned Single Judge so far as prayers

(a), (c) and (d) is concerned and the challenge to the order passed on prayer (e) is not assailable.

The appeal and the application are therefore dismissed.

No order as to costs.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

JULY 04, 2018/kr

