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

+ CS(OS) 145/2016 & IA No.3933/2016 (u/O XXXIX R-1&2 CPC)

IDBI BANK LTD

..... Plaintiff

Through: Mr. Sumit Nagpal, Adv.

Versus

ALL INDIA IDBI EMPLOYEES' ASSOCIATION
& ORS

..... Defendants

Through: Mr. Sujeet Kumar Singh, Adv. for
Mr. S.K. Tyagi, Adv. for D-3.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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26.11.2018

1. The plaintiff instituted this suit to restrain (i) All India IDBI Employees' Association; (ii) IDBI Officers Organisation; (iii) United Platform of IDBI Bank Unions; (iv) United Forum of IDBI Officers & Employees; (v) IDB Workers' Union; and, (vi) IDBI Karmchari Sangh from obstructing the functioning of the plaintiff at its two local offices at Indian Red Cross Building Society, 1 Red Cross Road, New Delhi and at Videocon Tower, 1st Floor, E-1, Jhandewalan Extension, New Delhi and from threatening or intimidating officials/employees of the plaintiff desiring to work and from holding demonstration or shouting slogans etc.

2. The suit came up first before this Court on 22nd March, 2016, when while issuing summons thereof, vide *ex-parte* ad-interim order, the defendants were restrained from (i) causing any impediments to the ingress

or egress in any of the approximately 50 branches of the plaintiff bank or the two local head offices in Delhi of willing employees, customers and visitors who visit these branches/offices; (ii) threatening or intimidating or abusing or insulting or gheraoing or wrongfully confining any willing employees or officers of the plaintiff bank or interfering in their work; (iii) holding demonstrations within a limit of 100 meters of any of the branches of the plaintiff bank or two local offices in Delhi; and, (iv) obstructing the movements of vehicles of the plaintiff bank and of the employees of the plaintiff bank.

3. The said order has continued till now.

4. In response to the summons/notice issued, the counsel for the defendants No.1&3 and the counsel for the defendants No.2&6 appeared.

5. The orders dated 22nd November, 2016, 8th February, 2017 and 25th April, 2017 record that the defendants No.4&5 had been served but had neither filed any written statement nor appeared. Today also none appears for defendants No.4&5.

6. The defendants No.4&5 are proceeded against *ex-parte*.

7. The defendants No.1&3 and the defendants No.2&6 have filed their written statements and to which replications have been filed by the plaintiff.

8. The suit is ripe for framing of issues and for consideration of the application for interim relief.

9. Only the counsel for the plaintiff and the counsel for defendant No.3 appears. None appears for the other defendants.

10. The defendants No.1,2&6 are also proceeded against *ex-parte*.

11. Considering the nature of the suit, I have enquired from the counsel for the defendant No.3, what purpose, framing of issues and putting the suit to trial, will serve, inasmuch as the defendants are not entitled in law to do what they are sought to be restrained from doing.

12. The counsel for the defendant No.3 agrees.

13. As far as the *ex-parte* defendants are concerned, need to relegate the plaintiff to lead *ex-parte* evidence is not felt, for the reasons stated in ***Satya Infrastructure Ltd. Vs. Satya Infra & Estates Pvt. Ltd.*** 2013 SCC OnLine Del 508.

14. A decree is accordingly passed in favour of the plaintiff and against the defendants in terms of prayer paragraphs (a)(i) to (ix) of the plaint. The plaintiff is not found entitled to any damages or costs. The parties to bear their own costs.

Decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J.

NOVEMBER 26, 2018

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Statement of Mr. Dalip Dhawan aged about 55 years S/o Late Shri Kahan Chand R/o S-40, Prakash Puri Zone, Palam Vihar, Gurgaon, Haryana on S.A.

Q. What is your vocation?

Ans. I am working as a Supervisor with TSC Sound Craft, Gurgaon, Haryana since the year 2008.

Q. What is your scope of duties?

Ans. I organise events and execute at site the events so organised by me.

Q. What is your family?

Ans. I have a wife, who is not working and a son aged about 24 years, who is employed in Oyo Hotels.

Q. How are your relations with your brothers?

Ans. My relations with my brothers were cordial till the papers were got signed from me in or about October, 2017.

Q. When were the papers signed?

Ans. As far as I remember, they were signed on 9th October, 2017.

Q. When did you go to the office of the Registrar?

Ans. On the same day i.e. 9th October, 2017.

Q. Did you take a holiday from the work on that date?

Ans. Yes.

Q. What time did you go?

Ans. Between 10.00 AM and 11.00 AM in the morning.

Q. Who all had gone for registration?

Ans. My three brothers, my nephew, my wife and my son.

Q. You had gone for executing what documents?

Ans. I was told that my signatures were required for having the property in the name of everyone.

Q. What is your educational qualification?

Ans. I am XIIth pass.

Q. Do you know English language?

Ans. Not much.

Q. What is the language used in your office?

Ans. Mostly Hindi. Challans etc. which are to be prepared, are prepared in English language by me.

Q. For how much time you were there in the Registrar office?

Ans. For about one and a half hours or two hours.

Q. What document was required to be signed by you for having the property in the name of everyone?

Ans. I was not shown any document. I was only told that my signatures are required.

R.O. & A.C.

RAJIV SAHAI ENDLAW, J.

NOVEMBER 26, 2018

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