

\$~9

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

+ CM(M) 604/2016 & CM No. 22867/2016 (stay)

SETHANI INDERMANI JATIA CHARITABLE TRUST AND ORS

..... Petitioner

Through: Mr. R.P. Pandey, Advocate

versus

SANDEEP MEHRA & ORS

..... Respondents

Through: Mr. Ashish Kapur, Ms. Chhavi Luthra
& Ms. Chetna Verma, Advocates.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **05.03.2018**

After some hearing, the learned counsel for the respondents, they being the petitioners in the case (CS 97/14/2012) presented on 11.05.2012 under Section 6 of Charitable and Religious Trust Act, 1920 fairly conceded that in absence of any averment about a petition under Section 3 of the Charitable and Religious Trust Act having been filed or an order under Section 5 (5) of the said Act having been granted in their favour, such a petition under Section 6 could not have been instituted. Having conceded this and also to the prayer for rejection of the petition under Order 7 Rule 11 CPC on the application of the petitioner, which was dismissed by the Additional District Judge by the impugned order dated 19.03.2016 to be granted, he submitted it may be recorded that the said respondents reserve

their right to institute appropriate proceedings on the allegations of breach of trust, *inter alia*, under Section 92 of the Code of Civil Procedure, 1908. The counsel for the respondents submits that he may be allowed to withdraw the petition (CS 97/14/2012) under Section 6 of Charitable and Religious Trust Act, 1920.

Ordered accordingly.

In view of the above, the petition is allowed. The impugned order dated 19.03.2016 of the Additional District Judge is set aside. The respondents have the liberty to pursue such other remedies as may be available to them under the law.

The petition and the application stand disposed of in above terms.

R.K.GAUBA, J.

MARCH 05, 2018

nk