

\$~40

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

+ **FAO 326/2016**

RAJ KUMAR JAIN AND ORS

..... Appellants

Through: Mr. Navniti Pd. Singh, Senior Advocate with Mr. Anup Jain, Mr. Abhishek Baid and Mr. Mohit Kumar Bafna, Advocates.

versus

BHAGWAN MAHAVIR MEMORIAL SAMITI AND ORS

..... Respondents

Through: Mr. Anuj Jain, Advocate.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **26.02.2020**

CM APPL. 7652/2020

1. This application seeks clarification of the order dated 20.01.2020 which directed the meeting of the Governing Council of the Society on 12.02.2020. The meeting could not be held for want of sufficient time for serving notice of the meeting on various parties.
2. It is agreed between the parties that the next meeting of the 16-member Governing Council, i.e. four persons from each sect, shall be held in terms of the previous order at the office of the Society i.e. 7-Benito Juarez Road, New Delhi-110021 on 02.04.2020 at 11:00 a.m. The meeting shall, in particular, deliberate and decide about the construction of a befitting Memorial in terms of the objectives of the Society. The meeting shall be

Signature Not Verified

Digitally signed By: KAMLESH KUMAR

Signing Date: 06.03.2020 17:30:51

called to order by the Society's Working President, Mrs. Indu Jain.

3. Should Mrs. Indu Jain be constrained for any reason from convening the meeting, Mr. Samveg Lalbhai, the Vice President of the Society, shall convene the meeting. The decision shall be taken by a voice-vote. The meeting shall be video recorded as was done on the previous occasion.

4. All relevant documents of the Society i.e. plans of the Memorial, land area, vision documents of sects, minutes of the previous meeting as well, orders of this Court shall also be placed by Mr. Nirmal Jain Sethi before the Committee of Hon'ble Judges for their information, on or before the 12th of March, 2020.

5. The decision on behalf of the Society regarding the befitting Memorial is yet to be finalised by the 16-members Governing Council. When it is so done, hopefully on the next meeting, it too shall be placed before the said Committee. For the moment the guidance of the said Committee, if any, shall be duly considered by the 16-member Governing Council on 02.04.2020.

6. The Court is informed that electricity connection has been restored at the office of the Society. However, it lacks day-to-day maintenance, Mr. Nirmal Kumar Jain Sethi undertakes to put it in order, at least, one week prior to the aforescheduled meeting.

7. Expenses for the said upkeep of the meeting shall be borne by the Society. An amount of Rs. 1,00,000/- shall be handed over to Mr. Nirmal Kumar Jain Sethi to meet the said expenses. Account of the same shall be furnished to Mr. Raj Kumar Jain, the Treasurer of the Society. The monies shall be put at the disposal of Mr. Nirmal Kumar Jain Sethi within a week from today and he shall indemnify the Society against any claims apropos

the withdrawal and expenditure of the said amount by any person who may want a refund of ‘purported donations’. For withdrawal of Rs.1,00,000/- a cheque for the said amount shall be signed by Mr. Raj Kumar Jain.

8. Mr. Raj Kumar Jain shall be the co-ordinator for implementing the orders of this Court. However, in case of any inadvertent default or lapse in meeting the timelines, Mr. Nirmal Kumar Jain Sethi shall take over the co-ordination and keep Mr. Raj Kumar Jain duly informed.

9. The decision of the 16-members Governing Council shall be placed before the Committee of Hon’ble Judges, immediately after the decision is taken, as well as before this Court before the next date. Should there be any dispute or reservation by any party apropos the construction of a befitting Memorial, then as noted in the order of 06.02.2018, the decision of the Committee shall be final.

10. At request, renotify on 22.04.2020.

11. A copy of this order be given *dasti* to the learned counsel for the parties under the signature of the Court Master.

NAJMI WAZIRI, J

FEBRUARY 26, 2020

AB