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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 2405/2008

T.A VISWANATHAN & ORS

..... Plaintiffs

Through: Mr.Kunal Sinha, Advocate.

versus

ARSHA DHARMA PARISHAD & ANR

..... Defendants

Through: Mr.Pushottam Kr Jha and Mr.K.K.R.
Das, Advocates for defendants No.1
& 2.

None for defendants No.3 to 49.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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10.10.2018

IA No.13983/2018

This application is moved by the parties under Order XXXIX Rule 3 CPC. The learned counsels for plaintiff and defendants No.1 & 2 say they have settled the matter in terms of para Nos.3 to 7 of this IA and parties shall be bound by the terms contained therein viz:-

"3.At the Annual General Meeting of the Defendant No.1 held on 2nd October 2017, a decision was taken to constitute a 7 member Special Committee, headed by Dr. KB.S. Raj an, Advocate, Supreme Court of India as its Convener, in order to amicably resolve the disputes and differences between the parties that are the subject matter of the said Suit.

4.Thereafter, in the Extra Ordinary General Body meeting of the Defendant No.1 convened on 11.03.2018, the Special Committee placed its Report dated 10.03.2018 before the General Body for its consideration and approval. The said Report inter alia deals with the induction of new members as also amendments to be effected to the Rules/Byelaws of the Defendant No.1, together with a List of 113 names for induction as ordinary Members and a List of 7 names for induction as Honorary Members. Both the Report as well as the recommendation of the Special Committee was accepted by the General Body with some minor modification(s) with reference to total number of new members to be inducted which was fixed at 120. And in accordance with the said approval, further action was taken and in consultation with the Plaintiffs, seven more additional members were selected to make the total number of newly inducted members to 120.

5. The newly inducted members on the recommendations of the Special Committee have attended and participated in the EOGBM held on the 16th of September 2018.

6. As per the aforesaid Special Committee Report, the amendments to the Byelaws of the Defendant No.1 Society have also been placed before an EOGBM called for the purpose on 16th September 2018 and the same have been approved in principle by the General Body of the Defendant No.1 Society.

7. The General Body's major decisions and approvals on the recommendations of the Special Committee, inter alia, include:

- (a) Power to admit new members vest with the General Body;*
- (b) All new admissions shall be through public announcements through official website and Notice Board;*
- (c) Process and Procedure to be followed for new admissions shall be as detailed in the Amendments to Rules.*
- (d) Term of Executive Committee in future shall be 2 years;*
- (e) Tenure of Office Holders is restricted to only one term of 2 years. They shall be eligible to be elected/nominated as Office Holders after a cooling period of one term of two years.*
- (f) Amendments to Rules shall come into being effective from the AGM scheduled for 2nd October 2018.*

It is prayed a decree in terms of compromise between the plaintiff and defendants No.1 & 2 in terms of above paras be passed and plaintiff be permitted to withdraw the suit against the defendants No.3 to 49 unconditionally.

In view of above, the suit of the plaintiff stands dismissed as withdrawn against defendants No.3 to 49 and is decreed in favour of the plaintiff and against defendants No.1 & 2 in terms of above paras, which paras shall form part of the decree.

The pending IAs, if any, also stands disposed of. No order as to costs.

YOGESH KHANNA, J

OCTOBER 10, 2018

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