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

+ **FAO 220/2017 & CM APPL. 41003/2017**

AMARJOT SINGH SETHI & ANR

..... Appellants

Through: Mr. P.S. Bindra, Ms. Rishika Arora, Ms.
Ashmita and Savi Abbot, Advocates.

versus

GURU TEGH BAHADUR PUBLIC SCHOOL SOCIETY & ANR

..... Respondents

Through: Mr. Tanmay Mehta, Ms. Swati Gupta
and Mr. Anand Sathiyaseelan, Advs.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **02.02.2018**

The learned counsel for the appellant states upon instructions, that a suit had been filed challenging the amendments to the Rules of the respondent Society, which made it incumbent upon all Life Members of the Society to bring in a onetime contribution of Rs.2 crores. The appellant had argued that since he was already a Life Member of the Society, the said Rules could not be made applicable to him retrospectively. The impugned order held otherwise. Hence this appeal. It is further stated that during the pendency of the suit, the appellant no. 1 was removed from the membership of the Society.

The learned counsel for the respondent submits that the removal was not on account of the appellant's inability to bring-in the aforesaid one time contribution of Rs.2 crores, but because of his

activities against the interests of the Society. Therefore, till his membership to the Society is restored, the appellant would have no locus to challenge the amended Rules.

The impugned order dismissed the appellant's motion for interim relief against the Society's insistence of a one-time contribution of Rs.2 crores. Before this Court on 19.05.2017, the respondents had stated that they would not insist upon the said contribution by the appellant till the next date of hearing. However, since now, the appellant is no more a member of the Society in terms of the Letter of Removal/Expulsion from the said Society, he would have no locus to challenge the said Rules. The learned counsel for the appellant states that the appellant's application challenging his removal from the Society is still pending.

The Court is of the view that till such time that the appellant's removal from membership is reversed, or he regains membership of the Society, he would have no locus to challenge the amendment of its Rules. In the event his membership is restored and if the appellant chooses to challenge the amendment to the Rules including the one-time contribution now imposed, it would be open to the respondent to make such submissions, as may be available to them in law.

In the circumstances, Mr. Bindra seeks to withdraw the present appeal with the liberty to prefer an appropriate remedy, should the appellant's Life Membership of the Society be restored.

The appeal is dismissed as withdrawn. Liberty granted.

Nothing stated in the orders shall be deemed to be an adjudication on the merits of the case regarding the expulsion of the

appellant from the Society.

A copy of this order be given *dasti*, under the signature of the Court Master.

NAJMI WAZIRI, J

FEBRUARY 02, 2018/acm