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

+ W.P.(C) 11683/2018 & CM No. 45142/2018

CAPITAL INFRAPROJECTS PVT. LTD. Petitioner

Through: Mr Debesh Panda and Mr Neil
Chatterjee, Advocates.

versus

REGISTRAR OF SOCIETIES AND ANR. Respondents

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **29.10.2018**

1. The petitioner has filed the present petition, *inter alia*, praying that the registration of respondent no.2 association as a society within the meaning of Section 3 of the Societies Registration Act, 1860, be cancelled.
2. Respondent no.2 is a society constituted by flat buyers of a project known as "The Golden Palms". The said project has been promoted and developed by the petitioner. Admittedly, there is litigation between the petitioner and respondent no.2.
3. It is clear from the above that the petitioner has filed the present petition with the ulterior object of non suiting respondent no.2 in pursuing the litigation instituted against the petitioner.
4. It is not disputed that respondent no.2 is a non profit organisation and works for the benefit of its members.
5. It is well settled that the remedy under Article 226 of the Constitution

of India is discretionary. Given the objective with which the present petition is filed, this Court does not consider that exercise of this discretion in favour of the petitioner is warranted.

6. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

OCTOBER 29, 2018
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