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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 462/2017 & IA No.11160/2017 (u/O XXXIX R-1 & 2 CPC)
SHIV NARAYAN SHARMA & ORS Plaintiff
Through: Mr. Karan Sharma, Mr. Mohit
Bhardwaj, Advs.

versus

AKHIL BHARTIYA JANGID BRAHMIN
MAHASABHA AND ORS Defendants
Through: Mr. Kunal Bahri, Advs. for D-1 to 3.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **23.03.2018**

1. The three plaintiffs, namely, (i) Narayan Sharma, (ii) Dharam Chand and (iii) Shiv Narain Vats, have instituted this suit against the defendants, namely, (a) Akhil Bhartiya Jangid Brahmin Mahasabha, (b) Kailash Singh Barnala, (c) Shiv Nath Sharma and (d) Nemi Chand Sharma, for (A) mandatory injunction directing defendant No.1 Society to hold the election for the post of President of defendant No.1 Society; (B) declaration that the election of defendant No.4 as President of defendant No.1 Society is illegal and unlawful; and, (C) permanent injunction restraining defendants No. 2 to 4 from interfering in any manner with the election process.

2. The suit came up first before this Court on 22nd September, 2017 when the counsel for the defendants No. 1 to 3 appeared on advance notice and accepted summons and the counsel for defendants No. 1 to 3 stated that the elections were in the process of being held. Accordingly, while issuing summons to defendant No. 4, an Observer was appointed to supervise the holding of elections and *status quo, qua* decisions having financial

implication on the defendant No.1 Society, directed to be maintained.

3. Today, the counsel for the defendants No.1 to 3 informs that election, as directed, has been held and has in Court handed over the report of the Observer appointed by this Court and which is taken on record.

4. The counsel for the defendants No. 1 to 3, on enquiry informs that the defendant No. 2 was ineligible to contest the election again and a new Secretary in place of defendant No.3 has been appointed and defendant No. 4 contested in the election so held but has lost.

5. Though the counsel for the defendant No. 4 had appeared before this Court on 30th November, 2017, but today none appears for the defendant No. 4.

6. The counsel for the defendants No. 1 to 3 states that the suit has become infructuous.

7. The counsel for the plaintiffs confirms.

8. The suit is disposed of as such.

9. Needless to state with the disposal of the suit, the new office bearers of defendant No.1 Society, in accordance with the bye-laws of the defendant No.1 Society, shall be entitled to operate the bank accounts of the defendant No.1 Society and the interim order stands vacated.

No costs.

RAJIV SAHAI ENDLAW, J

MARCH 23, 2018

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