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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 1467/2018, CM APPL.50439-50441/2018, CAV 1118/2018
SUDHISH AGGARWALA

..... Petitioner

Through : Mr.Anoop Prakash, Advocate.

versus

THE TEXTILE ASSOCIATION (INDIA) & ORS

..... Respondents

Through : Mr.Abhishek Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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03.12.2018

CM APPL.50422/2018

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CM(M) 1467/2018, CM APPL.50439-50441/2018

This petition is for recalling of the order dated 16.01.2017 qua withdrawal of summons against respondent nos. 2, 5, 6, 7 and 8 and keeping open the issue of jurisdiction and to decide the same as an issue in SCJ 34/2017 and also for waiver of cost, as imposed upon the petitioner for misleading the Court.

The impugned order dated 16.01.2017 decides an application under Order XXXIX Rule 1 and 2 filed by the plaintiff. The learned Trial Court had noted per Section 60 of the Societies Registration Act a suit can be filed against a registered society in the name of its President, Chairman, Principal Secretary or Trustees and that to make

up for the territorial jurisdiction of this Court, the suit has been deliberately filed against the National Vice President of the society. It is submitted that all the respondents are residing/working outside Delhi and just to confer the territorial jurisdiction to this Court, they have been made parties. Secondly, the learned trial court has rejected the application on a plea the petitioner is not entitled to any legal character or a right in any property, as award is like a respect given by the others and cannot be demanded as a matter of right. The application was thus dismissed with a cost of `20,000/-. Against this order the petitioner had gone in appeal viz. MCA 4/2017 but the said appeal was also dismissed vide order dated 24.01.2017. A review application moved before the learned Appellate Court was also dismissed.

All the above three orders were on merits passed after duly considering the facts on record. In this litigation the petitioner has sought relief for restraining the respondents from holding the award ceremony scheduled for 27.01.2017. Such ceremony, even otherwise, has since been held and the award “service gold medal” being given to one Mr.Ashok Veda of Madhya Pradesh. It is not denied even in the year 2018 such award ceremony was held and award was conferred to the Delhi unit of the petitioner. Thus keeping a litigation pending which has out-lived its age is nothing but playing with the precious time of the Court. Finding no fault in the impugned orders dated 16.01.2017, 24.01.2017 and 30.10.2018, I see no reason to interfere when the suit itself have become infructuous since such

award ceremony has since been held in January 2017 itself, hence there is no need to look at the impugned orders afresh. The petition stands dismissed. The pending applications are also disposed of.

YOGESH KHANNA, J.

DECEMBER 03, 2018

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