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

+ **RFA 14/2019**

**GOPAL SETHI & ANR.**

..... Appellants

Through: Mr. Sanjay Hegde, Sr. Advocate with  
Mr. Anil Kumar, Mr. Pranjal Kishore  
and Mr. Ankit Dhawan, Advocates  
(Mobile No. 9871844422).

versus

**GURUJI KA ASHRAM & ORS.**

..... Respondents

Through: Mr. Amresh Mathur and Mr.  
Shashank Singh, Advocates (Mobile  
No. 9810318149).

**CORAM:**

**HON'BLE MR. JUSTICE VALMIKI J. MEHTA**

**ORDER**

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**09.01.2019**

**CAVEAT No. 9/2019**

1. Since counsel for the caveator has entered appearance, the caveat stands discharged.

**RFA 14/2019 and C.M. Appl. Nos. 547-48/2019**

2. After arguments, and on the instructions being received by the counsels for the appellant, including the senior counsel, the appeal is disposed of as not pressed but as agreed that finding of the impugned judgment is set aside which has held that the appellants/plaintiffs did not have locus to file the Section 92 CPC suit. Of course, this observation is being made for the locus as on date and on the date of

filing of the suit under Section 92 CPC, but in case any fresh proceedings are filed, at that stage the concerned court will also be entitled to examine whether the interest of the plaintiffs in such subsequent suit continues in the trust, for such persons to have locus to file the Section 92 CPC in the Supreme Court.

3. The appeal and the pending applications are accordingly disposed of in view of the aforesaid observations.

**VALMIKI J. MEHTA, J**

**JANUARY 09, 2019**

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