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

+ **W.P.(CRL) 2944/2018 & Crl. M.A. Nos.33057-59, 33461, 33463
47221-22 & 49370 of 2018**

ST. MARTINS MEMORIAL EDUCATIONAL & WELFARE
SOCIETY Petitioner

Through: Mr. Pankaj Vivek, Mr. Shashank and Mr. Paresh,
Advocates in Applicants in Crl. M.A. Nos.1373-
74/2019 & Crl. M.A. No.47221/2018.

Versus

STATE & ORS. Respondents

Through: Mr. Jamal Akhtar, Advocate with Mr. Rahul
Mehra, Standing Counsel with SHO/Inspector
Sameer Srivastava and SI Manish Kumar, P.S.
Delhi Cantt.

Mr. Salman Khurshid, Senior Advocate with
Mr. Romy Chacko. Mr. Sunil Kumar Singh and
Ms. Ayesha Jamal, Advocates for DDTA, Bishop
and Applicant in Crl. M.A. No.33461/2018.

Mr. Devesh Singh, Additional Standing Counsel
(Civil), GNCTD with Ms. Sukriti Ghai and
Ms. Urvashi Tripathi, Advocates.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **21.01.2019**

Crl. M.A. No. 33463/2018 (for impleadment)

Issue notice.

The learned counsel named above accept notice on behalf of the non-
applicants.

The applicant seeks impleadment in the matter. It claims to be the owner and Manager of the St. Martin's Diocesan School ('the School'), Church Road, Delhi Cantt.

The application is allowed and the applicant is impleaded as respondent No.8 in the matter.

The application stands disposed-off.

W.P.(CRL) 2944/2018 & Crl. M.A. Nos.33057-59, 33461, 33463, 47221-22 & 49370 of 2018, Crl. M.A. 1373-74/2019

The petitioner St. Martins Memorial Educational & Welfare Society ('the Society') has approached this Court through one Dr. Amitabh Deepak Lyall. A Settlement Deed, executed between the Delhi Diocesan Trust Association (DDTA) and Dr. Amitabh Deepak Lyall, as its erstwhile Principal and Manager, on 20.01.2019, has been handed over in the Court. The first instalment of Rs.15 lacs is being paid in terms of the aforesaid Settlement and the remaining monies would be paid as per the Settlement Deed, which is taken on record.

Mr. Pankaj Vivek, the learned counsel for the petitioner/applicant in Crl. M. A. Nos.47221 of 2018 and 1373 & 1374 of 2019, submits that Dr.Amitabh Deepak Lyall does not represent the Society any further and the said Society be now deemed to be represented through Dr. Rockes Barnabas Sandhu. He further submits that the persons seeking to represent DDTA are not duly authorized.

In the circumstances, Crl. M. A. No.1374/2019 seeking change of the Authorized Signatory is allowed.

The DDTA is represented through Rt. Revd. Warris K. Masih, who is also the Bishop of Diocese of Delhi of the Church of North India and as the

Chairman of DDTA. He has been so authorized by the Meeting Committee of the Management of DDTA on 16.01.2019. Let it be filed in the Registry.

Mr. Vivek further submits that the petitioners have reservations about the aforesaid Settlement and the steps taken pursuant thereto.

In the circumstance, petitioner's rights to take appropriate action in this regard are reserved.

Be that as it may, since the applicants have represented to the Court that they are duly authorized to run the affairs of the DDTA and that the monies are being paid through proper Resolution and approval, the petitioner's claims, as may be, would be addressed before the appropriate Forum in the appropriate proceedings. The issue as to who is the owner of the School is to be determined in such appropriate proceedings. Since the primary *lis* stands settled between Dr. Amitabh Deepak Lyall and DDTA, nothing further remains to be adjudicated at this stage.

The petition, alongwith pending applications, stand disposed off in terms of the above. The parties are granted liberty to pursue their civil rights in accordance with law.

NAJMI WAZIRI, J.

JANUARY 21, 2019

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