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

% *Decided on: 18<sup>th</sup> January, 2023*

+ RFA 172/2013 & CM APPL. 17522/2022, 5491/2013,  
9906/2013, 12798/2013, 17817/2014

N. MURUGESAN & ORS. .... Appellants

Through: None.

versus

DELHI TAMIL EDUCATION ASSOCIATION (REGD.) &  
ORS. . .... Respondents

Through: Ms. Shantha Devi Raman with  
Mr. Rishabh Kapoor,  
Advocates for respondent no. 1  
and 2.

(M): 9868101409

**CORAM:**

**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**[Physical Hearing/ Hybrid Hearing]**

**MINI PUSHKARNA, J. (ORAL):**

1. The present appeal pertains to proceedings in a suit, which was originally filed challenging the election conducted for respondent no. 1 society on 29.04.2012. The said suit was dismissed vide order dated 02.03.2013 passed by Learned Additional District and Sessions Judge in Civil suit no. 97/2012.

2. The learned ADJ earlier vide order dated 07.01.2013 passed a detailed order with respect to conducting the 2012 election properly, under the supervision of an Observer, Sh. Tareja, Retired ADJ. In the order dated 07.01.2013, passed by the Addl. District and Sessions

Judge, it has been observed that the entire election process was video graphed.

3. The learned ADJ vide order dated 26.05.2012, had also directed that the ballot boxes of the election had to be secured in a separate sealed room in respondent No.1 society in its school premises. Subsequently, vide order dated 01.03.2013, ld. ADJ appointed a Local Commissioner under whose supervision the locked room was de-sealed and the ballot boxes and other materials were shifted to another room within the school premises, i.e., Delhi Tamil Education Society (DTES), Lodhi Road Branch, New Delhi. Accordingly, the Local Commissioner visited the premises on 06.03.2013 and de-sealed the earlier room and shifted the ballot boxes to Room No. 45. The said room was thus sealed and has remained sealed since 06.03.2013.

4. Learned counsel appearing for respondent no. 1 submits that the present appeal has now become infructuous. The present case pertains to the challenge of the election conducted in the year 2012. She submits that thereafter two elections have already been conducted in the year 2014 to 2020 for electing the Office Bearers of respondent no. 1 Society. She submits that as per Clause 11 of the Bye laws of the respondent no. 1 Society, the Office Bearers can hold the office for a period of 2 years. Thus, it is submitted that the present appeal has become infructuous owing to the reason that the period of office of elected members of 2012 have come to an end. She submits that presently the Managing Committee of the elections held in 2020 are attending the affairs of the respondent no. 1 society.

5. CM APPL. 17522/2022 has been filed on behalf of respondent

no. 1 with prayer to permit respondent no. 1 to empty the room and destroy the record, since the ballot boxes have been kept in a sealed cover in room no. 45 since 06.03.2013, in terms of directions as issued by the Ld. ADJ. It is submitted that no useful purpose will be achieved by protecting the ballot boxes pertaining to 2012 election.

6. There is no appearance on behalf of appellants when the matter is called out.

7. Learned counsel for respondent no. 1 submits that appellants have already been served and despite service, there is no appearance on behalf of appellants. Learned counsel further points out that even at the time of passing of the final order by the District Court, there was no appearance on behalf of the appellants herein. She submits that the said fact is clearly recorded in the impugned orders passed by the said Court.

8. This court notes that present proceedings pertain to elections of the respondent no. 1 society conducted in the year 2012 and now subsequently two elections have already taken place. Presently, the elected members of 2020 are attending to the affairs of respondent no. 1 society. Thus, it is clear that no useful purpose would be served in continuing to have the ballot boxes of 2012 election kept in sealed ballot boxes in a sealed room.

9. Accordingly, CM APPL. 17522/2022 is allowed and it is directed that respondent no. 1 may de-seal room no. 45 of Delhi Tamil Education Society (DTES), Lodhi Road branch, New Delhi and empty the room and destroy the record accordingly.

10. Considering the aforesaid, the present writ petition is dismissed

as infructuous, along with pending applications.

**MINI PUSHKARNA, J**

**JANUARY 18, 2023**

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