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

+ **CS(OS) 331/2023**

MATLOOB AHMAD & ANR.

.....Plaintiffs

Through: **Mr. Sonal Kr. Singh and Mr. Paritosh,**
Advocates

versus

**INDIAN ISLAMIC CULTURAL CENTRE
& ORS**

.....Defendants

Through: **Mr. Mohd. Amanullah, Mr. Misbah
Bin Taria, Dr. Shabeena Anjum, Mr.
Azhar Ali, Ms. Anam, Ms. Muskan,
Ms. Kannupriya and Ms. Vaishali,
Advocates for D-1, 3 to 5, 7 and 8
Mr. Shams Tabrez, Advocate for D-6
Mr. Maroof Ahmad, Advocate for D-
9 to 12
Mr. Anshu Davar, Advocate for Court
Observer**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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29.07.2024

**CS(OS) 331/2023 and I.A. 34716/2024 (on behalf of the plaintiffs under
Order XXIII Rule 1 CPC, 1908 seeking withdrawal of the present suit)**

1. This is an application filed by the plaintiff nos. 1 and 2 under Order XXIII Rule 1 of the Code of Civil Procedure, 1908 ('CPC') seeking to unconditionally withdraw the present suit.

2. Learned counsel for defendant no. 1 states that he appears on instructions on behalf of Mr. Mohd. Shamim, Mr. Sharafat Ullah, Mr. Jamshed Zaidi, Mr. Abrar Ahmad and Mr. Ahmad Raza with Mr. Qamar



Ahmed and states that in terms of the directions issued in the judgment of the Division Bench dated 02.04.2024 passed in FAO(OS) 120/2023, the Court Observer¹ has scheduled elections of defendant no. 1 on 11.08.2024.

3. He states that elections are being held in compliance with the aforesaid judgment of the Division Bench dated 02.04.2024. He states that the Court Observer's mandate to hold elections as per the judgment dated 02.04.2024 may be permitted to be completed. He prays that the Court Observer be permitted to conduct the elections, declare the results and handover the administration to the elected body.

4. Learned counsel appearing for the Court Observer states that elections are scheduled on 11.08.2024. She states that voting through postal ballot has been permitted in addition. She states that to permit counting of votes, the time to declare results be extended until 14.08.2024. She states that therefore, the mandate of the Court Observer be extended until 14.08.2024. She states that the counting of votes shall begin on 12.08.2024 and since postal ballots have to be counted time until 14.08.2024 is prayed for declaring the results to eliminate any double votes.

5. This Court has considered the submissions of the parties.

6. In view of the prayer made by the plaintiffs, their application is allowed and they are permitted to withdraw the suit; however, since in the meantime since the Court Observer appointed by this Court has been directed by the Division Bench vide judgment dated 02.04.2024 to conduct the elections and hand over the administration of the defendant no. 1, to its elected members, the appointment of the Court Observer is extended until 14.08.2024 so as to ensure due compliance of the directions contained at

¹ appointed by this Court *vide* order dated 10.10.2023



paragraphs 30 to 30.4 of the judgment dated 02.04.2024.

7. The learned Court Observer shall ensure that the results of the elections are declared no later than 14.08.2024 and administration handed over to the elected representatives on 14.08.2024.

8. With the aforesaid directions, the application is allowed and suit shall stand disposed of.

9. Interim orders, if any, stand vacated.

10. The date already fixed i.e., 06.09.2024 stands cancelled.

MANMEET PRITAM SINGH ARORA, J

JULY 29, 2024/*msh/ms*