



\$~6

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 888/2024**

MR KESHAVAMURTHY RAMAIAH

.....Plaintiff

Through: Mr. Ashutosh Dubey, Mr. M. Veerbhadriah, Ms. Rajshri Dubey, Mr. Abhishek Chauhan, Mr. Amit P. Shahi and Mr. Amit Kumar, Advocates.

versus

**UROLOGICAL SOCIETY OF INDIA
THROUGH ITS PRESIDENT & ORS.**

.....Defendants

Through: Mr. Pran Bora, Senior Advocate with Mrs. Anasuya Choudhury, Advocate for D-1 & 2.
Mr. Tushar Bhushan, Advocate for D-3.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

%

11.11.2024

I.A.No.44631/2024 (by the plaintiff under Section 151 CPC for exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

CS(OS) 888/2024 & I.A.No.44630/2024 (by the plaintiff under Order XXXIX Rules 1 & 2 read with Section 151 of CPC for grant of ad-interim ex-parte injunction)

3. The plaint be registered as suit.
4. Issue summons/notice. Learned counsel appearing on behalf of defendant nos.1 and 2 as well as for defendant no.3 accepts summons/notice and waive formal service.
5. Learned counsel appearing on behalf of the plaintiff submits that he is



contesting for the post of President Elect of the Urological Society of India. He submits that the election was notified *vide* notification dated 30.06.2024. The plaintiff had filed his nomination and *vide* e-mail dated 15.10.2024, defendant no.1 had at about 8:56 P.M. released the list of contestants which included the name of the plaintiff as one of the four candidates who were contesting for the post of President Elect.

6. He submits that the plaintiff has been served with a show cause notice dated 30.10.2024 premised on the complaints made by defendant nos.3 and 4, wherein it has been alleged that there was a violation of code of conduct.

7. He submits that the allegation in the complaints is that the plaintiff has been campaigning on social media after 5:00 PM on 15.10.2024 despite there being an embargo in the notification not to campaign on social media after the stipulated time. He submits that the show cause notice is not legally tenable, *inter alia*, for the following reasons:

- (i) *firstly*, the list of candidates was notified on 15.10.2024 at 8:56 PM therefore, by that time, the plaintiff was not aware as to the status of his candidature as President Elect.
- (ii) *secondly*, the campaign was being done by the plaintiff only through whatsapp which is not a social media.
- (iii) *thirdly*, the amendment which provides for such an embargo was inserted by way of an amendment in the Constitution of defendant no.1 Society but the same has not been notified to the Registrar of Societies, in terms of Section 4 of the Societies Registration Act, 1860.
- (iv) *fourthly*, before carrying out amendment, the procedure prescribed in the Constitution was not followed, inasmuch as no agenda was circulated nor prior communication to the members was given.



8. On the other hand, the learned counsel appearing on behalf of defendant nos.1 and 2 submits that the present suit is premature, inasmuch as only show cause notice has been given to which the plaintiff has responded *vide* his reply dated 31.10.2024, however, no final decision has been taken yet.

9. He submits that the decision will be taken and communicated to the plaintiff within a period of one week from today. He further clarifies that till the time the decision is taken, there is no bar on the plaintiff to continue with his campaign in terms of the Constitution. The statement is taken on record.

10. In view of the above statement, learned counsel appearing on behalf of the plaintiff does not wish to press the present suit and seeks to withdraw the same with liberty to challenge the final order passed by the competent authority on the show cause notice dated 30.10.2024. He further prays for liberty to challenge the impugned amendment made in the Constitution of the Society, in the subsequent suit as well.

11. The suit is dismissed as withdrawn with liberty as aforesaid.

VIKAS MAHAJAN, J

NOVEMBER 11, 2024

aj