



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.4429 of 2024 (O&M)

Date of Order:15.02.2025

Guru Hargobind Khalsa Senior Secondary School, Mandi
Bahadurgarh, Distt. Ludhiana and others

.Petitioners

Versus

Amandeep Singh Boparai and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. K.S.Boparai, Advocate
for the petitioners.

Ms. Amarinder Kaur, Advocate
for respondent no.1.

ANIL KSHETARPAL, JUDGE (Oral)

1. The plaintiff has been permitted to amend the plaint in order to lay specific challenge to the validity of the election of the voting body and managing body of a Society which is managing the defendants' school. The correctness of such order is challenged by the defendants on the ground that the elected members have not been impleaded as party. The suit is at the initial stage. The trial of the case has not started. The dispute is with respect to management of a school.
2. The question as to whether such elected members are necessary party or not will be required to be decided by the court after examining that aspect. At the stage of permitting the amendment, the court is not required to advert to the aforesaid objection.
3. The prayer clause of the original plaint reads as under:-

“It is, therefore, prayed the decree of declaration to the effect that the present managing committee was not



validly constituted and the proceedings conducted by the present managing committee of defendant no.1 (Guru Hargobind Khalsa Senior Secondary School, Mandi Bahadurgarh, Distt. Ludhiana) are illegal, without jurisdiction, null and void and against the bye laws of the society.

AND

For declaration to effect that the defendant no.2 to 5 have no right to act as members of the managing committee of the defendant no.1 as the present managing committee was not validly constituted and is illegal, without jurisdiction, null and void and against the bye law of the society

AND

for a decree of mandatory injunction directing the defendant no.1 to 5 not to conduct any election process without supply the certified copies of the general body membership register up to date on the basis the society is registered, minutes book of meetings of the society, receipt book of membership fee, latest approved memorandum article and association of the society, list of office bearers submitted to the registrar of firm and society, Chandigarh from time to time w.e.f. 1993 till date, amended bye laws of the society and latest registration certificate and further directing the defendant no.6 to conduct the election of the society after annual general meetings of the society as per the bye laws of the society under the supervision of the administrator

AND

suit for permanent injunction restraining the defendant no.1 to 5 from conducting the election of general body of the society till the election of new general body as per the bye laws of the society and the aforesaid documents are



supplied to the plaintiff and further restraining the defendant no.2 to 5 from managing the affairs of defendant no.1 and further restraining the defendant no.7 to release the grant in aid to the defendant no.1 as per Delhi pattern till the election of new general body of the society as per bye laws approved by the defendant no.6 be passed in favour of the plaintiff and against the defendants with costs.

OR

any other relief as this Hon'ble Court deems fit may also be granted in favour of the plaintiff and against the defendants.”

- 4. The concept of challenging a particular election is not envisaged under the Specific Relief Act, 1963. The plaintiff has already filed a suit for declaration.
- 5. Keeping in view the aforesaid facts, no ground to interfere is made out.
- 6. Dismissed.
- 7. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

February 15, 2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No