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

+ CS(OS) 414/2020, I.A. 12483/2020 I.A. 567/2021 I.A. 4577/2021
I.A. 5934/2021 I.A. 7859/2022 I.A. 1823/2023 I.A. 13013/2023 I.A.
13341/2023 I.A. 3870/2024 I.A. 4415/2024 I.A. 45639/2024 I.A.
45640/2024 I.A. 45691/2024 I.A. 45692/2024 I.A. 46797/2024

DR. P. V. VIJAYARAGHAVAN & ORS.

.....Plaintiffs

Through: Mr. Manish Kumar, Mr. Piyush
Kaushik and Ms. Aparajita Jha, Advs
with plaintiff Nos.1 and 2 in person.

versus

NITYAM SOFTWARE SOLUTION PVT. LTD., & ORS.

.....Defendants

Through: Mr. Jai Sahai Endlaw and Mr. Anand
Kamal, Advs. for D-3 with D-3 in
person.

Mr. Vinit Trehan, Mr. Yash
Srivastava and Ms. Bhumi Agarwal,
Advs. for D-4 with D-4 in person.

Mr. Nipun Saxena, Ms. Aadya
Pandey and Ms. Deepali Dabas,
Advs. for D-5 with D-5 in person.

D-6 in person.

Mr. Siddhant Nath, Mr. Anshul
Khatri, Mr. Bhavishya Makhija and
Mr. Amaan Khan, Advs. for D-8 with
D-8 in person.

Mr. Naman Joshi, Ms. Ritika Vohra
and Mr. Verdaan Jain, Advs. for D-9.

Mr. B.B. Gupta, Sr. Advocate with
Mr. Achhal Gupta, Mr. Akshay
Chowdhary, Mr. Karan Jain, Ms.



Sonali, Mr. Kasir and Mr. Hritik
Sejwal, Advs for IOA Administrator.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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28.05.2025

I.A. 12835/2025 (filed on behalf of the proposed defendant for directions) & I.A. 13110/2025 (filed on behalf of the proposed defendant for impleadment)

I.A. 4416/2024 (filed on behalf of the applicant/intervenor for direction)

1. Learned counsel appearing for the applicants seek liberty to withdraw the instant application.
2. Liberty, so prayed for, is granted.
3. Applications stand dismissed as withdrawn.

CS(OS) 414/2020, I.A. 12483/2020 I.A. 567/2021 I.A. 4577/2021 I.A. 5934/2021 I.A. 7859/2022 I.A. 1823/2023 I.A. 13013/2023 I.A. 13341/2023 I.A. 3870/2024 I.A. 4415/2024 I.A. 45639/2024 I.A. 45640/2024 I.A. 45691/2024 I.A. 45692/2024 I.A. 46797/2024 & I.A. 13110/2025

4. At the inception, the Court places on record the appreciation to all the parties and their counsel including the assistance rendered by Mr. B. B. Gupta, learned senior counsel appearing for the Learned Administrator to arrive at an amicable arrangement to resolve the controversy which remained pending for about five years.
5. Plaintiff Nos.1 and 2 and defendant No.5 are present physically. Defendant Nos.3, 4, 6 and 8 are appearing virtually.
6. Since they are residing outside Delhi, therefore, their signatures could not be obtained. However, they have consented to the arrangement which



has been arrived at.

7. The memorandum of settlement reads as under:

“MEMORANDUM OF SETTLEMENT

BETWEEN

1. DR. P.V. VVIJAYRAGHVAN,
S/o Late P. V. Vasudevan,
R/o Triple ‘C’ Majesty S-2, 48/6,
Muthukumarapa Street, Saligramam
Chennai-600093, Tamil Nadu ... Plaintiff No. 1

2. DR. MANISH DHAWAN,
S/o Dr. Surendra Kumar Dhawan,
R/o, Flat No. 1345, Sector-A Pocket B & C,
Vasant Kunj, New Delhi -110070, ... Plaintiff No. 2

Life Members IOA, and Plaintiff Nos. 1 and 2 in the Suit bearing number CS (OS) 414/2020 pending before the Hon’ble Delhi High Court (hereinafter referred to as “**Plaintiffs**”).

AND

1. DR. RAMESH KUMAR SEN,
S/o Shri Labh Singh,
R/o 5439, 38 West Chandigarh,
Chandigarh-160014
E-mail senramesh@rediffmail.com Defendant No. 3

2. DR. ATUL SRIVASTAVA,
S/o Late Dr. K.P. Srivastava,
R/o 1/114B,
Gulab Rai Marg,
Delhi Gate,
Agra-282002, U.P.
E-mail dratulagra@gmail.com Defendant No. 4

3. DR. NAVEEN THAKKAR,
R/o 39-B, Hindu Colony,
Opp S.P. Stadium,
Navarngpura,
Ammedabd-380009, Gujarat
E-mail: naveenthakkar@gmail.com Defendant No. 5



4. IOACON LUCKNOW 2020,
(UP Orthopaedic Association)
Through its Organising Secretary Dr. Asraf Jamal,
Office at B-2249,
Indranagar, Lucknow-226016.
E-mail wjashraf@gmail.com Defendant No. 6

5. DR. ATUL BAHADUR SINGH,
Chairman,
Legal & grievance committee,
Indian Orthopaedic Association,
69, Tughlakabad Road Industrial Area,
M. B. Road,
Near Batra Hospital, New Delhi.
E-mail atulbs@gmail.com Defendant No. 8

Defendant Nos. 3 to 6 and 8 in CS(OS) No. 414/2020 pending in the Hon'ble High Court of Delhi, hereinafter collectively referred to as "Defendants"

WHEREAS:

i. IOA Elections 2020 were held between 1.10.2020 until 21.11.2020, and results whereof were declared on 22.11.2020.

ii. The said Election was Conducted by Dr. Ramesh Sen, Election Officer & Vice-President of IOA.

iii. In the said IOA Election 2020, Dr. Atul Srivastava (Defendant No.4) contested on the post of Vice-President, and was declared elected where in the second position was secured by Dr. P.V. Vijayaraghavan (Plaintiff No.1) and on the post of Hony. Secretary Dr. Naveen Thakkar was declared elected, and second position was secured by Dr. Manish Dhawan (Plaintiff No. 2). IOCON, 2023 was held to be conducted in favor of Lucknow (Defendant No. 6).

iv. Subsequently, the IOA 2020 elections were challenged by way of filing of CS(OS) No. 414/2020 before this Hon'ble Court.

v. During the pendency of the present Suit, Dr. Atul Srivastava & Dr. Naveen Thakkar respectively as Vice-President and Hony. Secretary of IOA discharged their functions in accordance with the IOA Constitution.



vi. Subsequent to filing of the present Suit, a police complaint was also filed by Plaintiffs, which culminated into FIR No. 25/2021 with the Cyber-cell of Delhi Police, and the said FIR is currently pending at CMM, Patiala House Court, New Delhi.

vii. Subsequently vide order dated 20.10.2023, the Hon'ble High Court was pleased to appoint an Administrator to conduct affairs of the IOA with aid of the incumbent Executive Committee.

viii. It is submitted that during the course of the hearing held on 15.05.2025 parties expressed their willingness to settle their disputes in CS(OS) No. 804/2022 (Related to IOA Election 2022), this Hon'ble Court opined that there should be a composite settlement, and both the suits can be disposed of.

It is in this background the present settlement agreement is drawn, reducing the terms of settlement in writing as follows:

1. The Plaintiffs shall issue an unconditional and unqualified Public Statement withdrawing the aspersions and imputations from all social media platforms (including WhatsApp groups, Facebook, etc.) made against Dr. Atul Srivastava during the course of the day i.e., on 28.05.2025.

The draft of the public statement to be issued by the Plaintiffs is attached herewith as **Annexure – 1.**

2. Both Dr. P.V. Vijayaraghavan and Dr. Atul Srivastava agree that they shall be declared as Presidents in respect of IOA Election 2020 and the remaining term of Past Presidency of IOA till December 2025 with consequent benefits shall be extended to both Parties, in accordance with the IOA Constitution.

3. As Past Presidents, both Dr. P.V. Vijayaraghavan and Dr. Atul Srivastava will be entitled and responsible to the Central Executive Committee of the IOA, as well as be entitled to the following benefits:

a) Dr. P.V. Vijayaraghavan will be presented with a replica of the IOA

Medallion for President as already presented to Dr. Atul Srivastava at

IOACON 2021, through an online Central Executive Committee

meeting as will be done in the case of Dr. Ajit Shinde;

b) Both Parties shall be entitled use the title “as Past President,



Indian Orthopaedic Association”;

c) Both Parties shall be entitled to a position in the Central Executive Committee of IOA as Past Presidents for the remaining years as envisaged in the IOA Constitution;

d) Both Parties shall be ex-officio members of all Standing Committees of IOA, being Presidents and Past Presidents till December 2025,

e) Both Parties shall attend academic events on behalf of IOA as Former President, IOA, as and when any invite is received from any national and/or international organization;

f) Both Parties will work in harmony and will respect mutual decisions and work under the IOA Constitution;

g) Both Parties agree that consequential and necessary changes required in IOA and affiliated chapters of IOA, to accommodate both Past Presidents, IOA shall be made;

h) Both Parties agree that the IOA Newsletter will carry the names of both as Past Presidents, IOA.

4. Both Dr. Manish Dhawan and Dr. Naveen Thakkar, will be declared as Co-Hony. Secretary for IOA Elections 2020, and all the benefits attached hereto shall be extended to Dr. Manish Dhawan, as if Dr. Manish Dhawan was also an elected candidate on the post of Hony. Secretary for IOA Election 2020, and in all the relevant journal, newsletters and all website of IOA including all State chapters shall be informed accordingly, recognizing Dr. Manish Dhawan as Former Secretary of IOA.

5. Dr. Manish Dhawan will be presented with a replica IOA Medallion for Hony. Secretary as already presented to Dr. Naveen Thakkar at IOACON 2021, as ceremonially provided in the IOA Constitution, through an online Central Executive Committee meeting as will be done in the case of Dr. Ajit Shinde.

6. Both Plaintiffs & Defendants agree to issue a Joint Statement for the benefit of members of the IOA through the IOA Newsletter and any such similar platform such as a corrigendum to inform IOA members about the present settlement and arrangement as Former Co – Presidents, IOA and Co-Hony. Secretary in respect of IOA Election 2020.

7. Dr. Atul Bahadur, who is Defendant no. 8 to the suit also undertakes



that he shall withdraw his I.A.s filled in respect of Dr. Naveen Thakkar and shall not cast any aspersions in respect of IOA Elections of 2020 and 2023. Dr. Atul Bahadur further undertakes that he shall not cast any aspersions or continue or initiate any proceedings in respect of the term of Dr. Naveen Thakkar in the capacity of honorary secretary.

8. Neither Party will be permitted to issue statements of “victory”, “validation”, “success”, “moral victory” or any such similarly worded vindictive social media posts disparaging either Party, whether directly or indirectly with respect to IOA Election 2020.

9. It has been agreed by all the parties that Dr. Atul Srivastav, Defendant No.4, shall deliver the Kini memorial oration at the IOCON 2025 in the capacity of Past President.

10. That the settlement is reached in the larger interest with a view to holistically resolves all the legal issues pending inter se the members of the association including all civil and criminal proceedings. In lieu of the same, the parties agree that the Plaintiffs, who are the original complainants in FIR No. 25/2021 shall extend all cooperation including No objection affidavit for the purposes of getting the said FIR No. 25/2021 as well as the consequent proceedings pending before CMM, Patiala House Court, New Delhi emanating from the said FIR quashed from the Hon’ble Delhi High Court. It is also clarified that any other complaint(s) before any police station or any authority preferred by the parties with respect to the conduct of elections of IOA shall also be withdrawn by the respective parties.

11. Both Plaintiffs & Defendants agree that neither of the parties to this agreement, directly or their associates post any content or statement which is defamatory, abusive libelous, unlawfully threatening, unlawfully harassing, harmful, indecent, hateful, disparaging, or otherwise unlawful or objectionable in any manner whatever, against each other, on social media including on various WhatsApp groups of IOA and its State Associations. It is further undertaken by the parties that they shall take all steps to remove/take down any offensive, libelous or scandalous posts in the print, electronic or digital media made against each other.

12. Both Plaintiffs & Defendants agree that they shall not file any case either civil or criminal against each other related to the present election dispute, and any proceedings brought or initiated shall stand withdrawn forthwith in view of the present settlement and all pending cases shall be withdrawn upon recording the present settlement.

13. The present Settlement is arrived at between the Plaintiffs & Defendants out of their free will and volition. Both Plaintiffs &



Defendants agree that the present Settlement is absolutely final without any qualifications whatsoever, and both Parties shall be bound by the terms of the present Settlement.

14. Both Plaintiffs & Defendants, and their associates, undertake that they shall not commit any breach of the terms of this Settlement and any breach of the terms of the present Settlement shall amount to Contempt of Court and the non-compliant party shall be liable to be prosecuted under Section 12 of the Contempt of Courts Act or any such applicable provisions of law.

15. After amicable settlement of the dispute through the present Memorandum, both Parties shall jointly request the Hon'ble Delhi High Court that the Ld. Administrator shall hand over charge to the elected Central Executive Committee of the IOA, which will include both Former Co – Presidents i.e., Dr. P.V. Vijayraghvan and Dr. Atul Srivastava, and all decisions pertaining to IOA shall be taken by the Central Executive Committee of the IOA.

*16. Parties humbly and jointly request that the present Memorandum of Settlement form part of the Compromise Decree to be passed by the Hon'ble Delhi High Court in **Dr. P. V. Vijayraghvan & Ors. Vs. Nitaym Software Solution Pvt. Ltd. & Ors.**”, CS (OS) 414/2020 and the Civil Suit be disposed of along with all pending applications in terms of the present Memorandum of Settlement.*

SIGNATURE OF PARTIES

-Sd-

1. Dr. P.V. Vvijayraghvan (Plaintiff 1)

-Sd-

2. Dr. Manish Dhawan (Plaintiff 2)

-Sd-

3. Dr. Ramesh Kumar Sen (Defendant No. 3)

-Sd-

4. Dr. Atul Srivastava (Defendant No. 4)

-Sd-

5. Dr. Naveen Thakkar (Defendant No. 5)

-Sd-

6. IOACON Lucknow 2023 (Defendant No. 6)



-Sd-

7. Dr. Atul Bahadur Singh (Defendant No. 8)

ANNEXURE – 1

PUBLIC STATEMENT

We, Dr. P.V. Vijayraghavan and Dr. Manish Dhawan, the Plaintiffs in the Dr. P. V. Vijayraghvan & Ors. Vs. Nitaym Software Solution Pvt. Ltd. & Ors., CS (OS) 414/2020, unconditionally and unequivocally withdraw all allegations, statements pertaining to Dr. Atul Srivastava, Dr. Ramesh Sen, Dr. Jamal Ashraf & others, including all previous emails, any WhatsApp communications and any other social media posts pertaining to the IOA elections.”

8. The agreement between Dr. P.V. Vijayraghavan and Dr. Atul Srivastava, essentially is to declare them as Presidents in respect of IOA Election 2020 and the remaining term of past President of IOA till December, 2025 with consequent benefits extendable to both the parties in accordance with the IOA constitution.

9. Additionally, certain other arrangements have also been agreed upon as can be understood from paragraph Nos.4 and 5. Since the entire memorandum of settlement has been reproduced hereinabove, therefore, the reference to remaining terms may not be necessary to be repeated except to state that the parties shall abide by the terms of the memorandum of settlement.

10. Besides the aforesaid arrangement, which has been accepted by the Court, the Court also takes note of the order passed in CS (OS) 414/2020 and CS(OS) 804/2022 on 20.05.2025. In paragraph No.14 of the said order, the Court requested the Learned Administrator to continue to supervise the elections for the years 2024 and 2025.

11. In continuation of the said observations, it is also left open to the



Learned Administrator to appoint a committee that shall conduct the election.

12. The Learned Administrator may also consider the suggestions put forth by the parties to constitute the committee which may comprise of the past Presidents or any other eminent person as the Learned Administrator may deem expedient in the interest of justice.

13. The parties are also granted liberty to assist the Learned Administrator in that respect.

14. In view of the aforesaid, nothing more is required to be adjudicated.

15. Accordingly, the instant suit stands disposed of in terms of the memorandum of settlement.

16. Let a decree sheet be drawn in terms of the memorandum of settlement.

17. Learned Administrator shall be at liberty to approach the Court in case, so necessitated.

PURUSHAINDR KUMAR KAURAV, J

MAY 28, 2025/p/mjo

[Click here to check corrigendum, if any](#)