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

+ **CS(OS) 414/2020 and 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. 4416/2024, I.A. 45639/2024, I.A. 45640/2024, I.A. 45691/2024, I.A. 45692/2024, I.A. 46797/2024, I.A. 12835/2025**

DR. P. V. VIJAYARAGHAVAN & ORS.

.....Plaintiffs

Through: Mr. Manish Kumar, Mr. Piyush Kaushik, Mr. Aparajita Jha, Advs.

versus

NITYAM SOFTWARE SOLUTION PVT. LTD.,
& ORS.

.....Defendants

Through: Mr. Nipun Saxena, Ms. Aadya Pandey and Ms. Deepali Dabas, Advs for D-5.

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

Mr. B. B. Gupta, Sr. Adv with Mr. Achal Gupta, Mr. Akshay Chowdhary, Mr. Karan Jain, Mr. Hritik Sejwal, Mr. Kabir Gautam and Ms. Sonali Madaan, Advs for IOA/ Administrator.

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+ **CS(OS) 804/2022 and I.A. 15398/2023, I.A. 41586/2024, I.A. 47282/2024, I.A. 48811/2024**

DR AJIT ANNASAHEB SHINDE

.....Plaintiffs

Through: Mr. Nalin Kohli, Sr. Adv with Mr.

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Manish Kumar, Mr. Piyush Kaushik,
Ms. Nimisha Menon and Ms.
Aparajita Jha, Advs.

versus

INDIAN ORTHOPAEDIC ASSOCIATION & ORS.Defendants

Through: Mr. Gautam Narayan, Sr. Adv with
Mr. Naman Joshi, Ms. Ritika Vohra,
Mr. Tushar Nair, Advs for D-2 and D-
9.

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

Mr. B. B. Gupta, Sr. Adv with Mr.
Achal Gupta, Mr. Akshay
Chowdhary, Mr. Karan Jain, Mr.
Hritik Sejwal, Mr. Kabir Gautam and
Ms. Sonali Madaan, Advs for IOA/
Administrator.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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20.05.2025

**CS(OS) 414/2020 and 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. 4416/2024, I.A.
45639/2024, I.A. 45640/2024, I.A. 45691/2024, I.A. 45692/2024, I.A.
46797/2024, I.A. 12835/2025**

1. List this matter on 27.05.2025.

**CS(OS) 804/2022 and I.A. 15398/2023, I.A. 41586/2024, I.A.
47282/2024, I.A. 48811/2024**

2. Heard learned counsel for the parties.

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3. The Court has also taken the assistance of Mr. B. B. Gupta, learned senior counsel who represents the Administrator.
4. During the course of hearing on 08.05.2025, the Court had observed that the parties can amicably resolve the dispute and evolve certain modalities which can be directed to be adhered to.
5. Pursuant to deliberation which has taken place between the contesting parties i.e. Dr. Ajit Annasaheb Shinde and Dr. Anup Agrawal, they have arrived at Memorandum of Settlement (MoS) dated 20.05.2025, which is duly signed and acknowledged by both the aforesaid parties.
6. Dr. Ajit Annasaheb Shinde is present in Court physically, whereas, Dr. Anup Agrawal is present through video conferencing.
7. The MoS dated 20.05.2025 reads as under:-

“MEMORANDUM OF SETTLEMENT

BETWEEN

DR. AJIT ANNASHEB SHINDE, having his office at Mhaishalkar Shinde Hospital, opposite Civil Hospital, Dr. Ambedkar Road, Sangli – 416416, Maharashtra, being Plaintiff in Suit bearing number CS (OS) 804/2022 before the Hon’ble Delhi High Court (hereinafter referred to as “**Plaintiff/Dr. Shinde**”).

AND

DR. ANUP AGRAWAL, s/o Vijay Kumar Agrawal, resident at 1/123, Sector D, Priyadarshini Yojana, Sitapur Road, Nirala Nagar, Lucknow, Uttar Pradesh – 226020, being Defendant No. 2 in the Suit bearing number CS (OS) 804/2022 before the Hon’ble Delhi High Court (hereinafter referred to as “**Defendant No. 2/Dr. Agrawal**”).

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Dr. Shinde and Dr. Agrawal are hereinafter collectively referred to as the “Parties”.

*WHEREAS both Dr. Shinde and Dr. Agrawal contested for the post of Vice – President of the Indian Orthopaedic Association (hereinafter referred to as “IOA”) in the year 2022, and subsequently, Dr. Agrawal won the election by a margin of 1 vote. Dr. Shinde challenged the election results by way of a civil suit titled as **Dr. Ajit Annasaheb Shinde vs. Indian Orthopaedic Association & Anr., CS (OS) 804/2022** before the Hon’ble Delhi High Court (hereinafter referred to as “Civil Suit”).*

WHEREAS in accordance with Clause 15 of the IOA Constitution, an elected Vice President of the IOA holds the post of Vice President for a term of one year, thereafter, he automatically becomes President-Elect next year and President the year after.

*WHEREAS currently, Dr. Agrawal is serving as the President of the IOA till December 2025, under the guidance of Justice J. R. Middha (Retd.) being Ld. Administrator of the IOA, appointed by the Hon’ble Delhi High Court vide judgment dated 20.10.2023 in **Dr. P. V. Vijayaraghavan & Ors. vs. Nityam Software Solution Pvt. Ltd. & Ors., CS (OS) 414/2020**.*

WHEREAS during the pendency of the Suit, the Hon’ble Delhi High Court directed Dr. Shinde and Dr. Agrawal to explore amicable settlement of the issues forming the subject matter of the Civil Suit.

WHEREAS Dr. Shinde and Dr. Agrawal met 14.05.2025 at Hotel Lalit, Delhi wherein Dr. Shinde proposed that Dr. Agrawal step down from his position of President and hand over the baton to Dr. Shinde, based on the allegations raised in the Civil Suit.

WHEREAS during the course of hearing on 15.05.2025 before the Hon’ble Delhi High Court, Dr. Agrawal through his counsels proposed an alternative arrangement wherein both Dr. Shinde and Dr. Agrawal can both become Presidents for the remaining term of Presidency of IOA till December 2025.

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WHEREAS Dr. Agrawal's proposal was orally accepted by Dr. Shinde's son, Dr. Raviraj Shinde along with Plaintiff's counsel, present in court on 15.05.2025 and thus, the present Memorandum of Settlement, reduces the terms of settlement in writing as follows:

- 1. Both Parties agree that Dr. Shinde and Dr. Agrawal shall remain Presidents for the remaining term of Presidency of IOA till December 2025 with consequent benefits extended to both Parties, in accordance with the IOA Constitution.*
- 2. As Presidents, both Parties will be responsible to the Central Executive Committee of the IOA, as well as be entitled to the following benefits:*
 - a) Dr. Shinde will be presented with an identical IOA Medallion for President as already presented to Dr. Agrawal at IOACON 2024, as ceremonially provided in the IOA Constitution by convening a Central Executive Committee Meeting at the earliest,*
 - b) Any members attending the aforesaid Central Executive Committee Meeting shall bear their own expenses,*
 - c) Both Parties shall use the title "President, Indian Orthopaedic Association",*
 - d) Both Parties shall be entitled to a position in the Central Executive Committee of IOA as immediate Past Presidents for two years as envisaged in the IOA Constitution,*
 - e) Both Parties shall be ex-officio members of all Standing Committees of IOA, being Presidents till December 2025,*
 - f) Both Parties shall attend academic events on behalf of IOA as President, IOA, as and when any invite is received from any national and/or international organization,*
 - g) In case of international events where only one President is to represent IOA, both Parties can mutually decide on attendance,*

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- h) In case of lack of any consensus between the Presidents, the matter will be put to vote before the Central Executive Committee, and such decision will be binding on both Presidents,*
 - i) Both Parties will work in harmony and will respect mutual decisions and work under the IOA Constitution,*
 - j) Both Parties will, by mutual consent, nominate elected members of Executive Committee, IOA to be appointed in various Academic/Standing Committees of IOA, as part of their duty as President, IOA,*
 - k) Both Parties, mutually agree that in view of the truncated six months tenure as Presidents till December 2025, neither Party shall insist on co-opting any members to the Executive Committee, IOA to avoid any further disputes,*
 - l) Both Parties agree that consequential and necessary changes required in IOA and affiliated chapters of IOA, to accommodate both Presidents, IOA shall be made,*
 - m) Both Parties agree that the IOA Newsletter will carry the names of both Presidents, IOA,*
 - n) For purposes of Theme of the year 2025, both Parties shall be presented as Presidents with a combined theme, as mutually agreed between the Parties, and such theme will be updated on the IOA website,*
 - o) Since Theme of the year 2025 has been released at IOACON 2024, the last line of Theme (Research, Innovation, Prevention, Treatment) can be changed to the already declared Theme by mutual consent,*
 - p) At IOACON 2025, both Parties as Presidents shall be delivering Presidential Address, which will be strictly academic in nature, without any references to the Civil Suit or allegations raised therein.*
- 3. Both Parties 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*

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- inform IOA members about the present settlement and arrangement as Presidents, IOA.*
- 4. 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.*
 - 5. Both Parties agree that neither Dr. Shinde nor Dr. Agrawal, 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.*
 - 6. Both Parties 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 be stand withdrawn forthwith in view of the present settlement.*
 - 7. The present Settlement is arrived between the parties out of their free will and volition. Both Parties 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.*
 - 8. Both Parties, 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.*
 - 9. 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 Presidents i.e., Dr. Agrawal and Dr. Shinde, and all decisions*

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pertaining to IOA shall be taken by the Central Executive Committee of the IOA.

10. *Both Parties humbly and jointly request that the present Memorandum of Settlement form part of the Compromise Decree/Order to be passed by the Hon'ble Delhi High Court in **Dr. Ajit Annasaheb Shinde vs. Indian Orthopaedic Association & Anr., CS (OS) 804/2022** and the Civil Suit be disposed off in terms of the present Memorandum of Settlement.*

-sd-

Dr. Anup Agrawal

-sd-

Dr. Ajit Annasaheb Shinde"

8. The Court has considered the functions and duties of the Indian Orthopaedic Association (IOA) and the adverse impact of the impasse in its functioning resulting out of the present litigation. The IOA needs to be administered by its democratically elected office-bearers as they will be in a better position to ensure that the objects of the IOA are achieved. The present interim mechanism for the administration of the IOA though the Court appointed Administrator cannot continue indefinitely, if the objects of the IOA are to be realised.

9. Having taken note of the background of the litigation which has remained pending before this Court for quite a long time and considering that the multifarious functions of IOA is presently being administered through an Administrator appointed by the Court, the Court finds, in the interest of justice, that the aforesaid settlement can be implemented.

10. The settlement would enable the parties to jointly discharge the remainder term up to December 2025 as President, as agreed and recorded in the aforesaid MoS and, thereafter, to conduct the elections for the year 2025.

11. During the course of hearing, Mr. B. B. Gupta, learned senior counsel

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for the Administrator points out that the elections of the year 2024 are yet to be conducted. He then contends that either, election year 2024 will have to be declared as a zero-year; or taking into consideration the MoS, the Court may direct the conducting of elections for the year 2024 as well.

12. The aforesaid statement has been discussed by learned counsel who appear for Dr. Ajit Annasaheb Shinde and Dr. Anup Agrawal and they contend while accepting the MoS, that they also undertake to conduct the elections for the year 2024 before the elections of the year 2025 are scheduled.

13. Under the aforesaid circumstances, there does not seem to be any other impediment in accepting the MoS. The Court, therefore, accepts the same. The terms mentioned therein are to bind the parties therein, and they are to strictly abide by the same. In addition to complying with the terms of the aforesaid MoS, the parties shall also conduct elections for the year 2024, before those for the year 2025.

14. Having considered the nature of the controversy which is pending in both the civil suits i.e. CS(OS) 414/2020 and CS(OS) 804/2022, and the fact that the Administrator appointed by order dated 20.10.2023 has dealt with various grievances of the parties from time to time, the Court also requests the Administrator to continue to supervise the elections for the years 2024 and 2025. He shall carry on his functions under the same terms as earlier and be entitled to remuneration on the same terms. However, the charge of the IOA shall be handed over as has been agreed between the contesting parties in paragraph 9 of the MoS.

15. It is also clarified that the aspersions cast against the parties to the present suit in the present proceedings must not be read against them in any

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manner whatsoever.

16. With the aforesaid clarification and observations, the instant civil suit stands decreed in terms of the aforesaid settlement and the observations made in this order.

17. Learned senior counsel for the Administrator also furnishes the 12th report of the Administrator. The same is also taken on record.

18. In view of the aforesaid, the instant civil suit stands disposed of along with pending applications.

PURUSHAINDR KUMAR KAURAV, J

MAY 20, 2025

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Click here to check corrigendum, if any

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