

08.06.2026

(11.07 am)

One of the regular Stenographer is on leave.

Present : Sh. Anuj Jain Ld. Counsel for plaintiff with President of Society.
Sh. SriRam Verma (through VC) and Ms. Rekha Agarwal Advocates for D1 to D9. **(MOA filed. Same be taken on record).**

Today, matter is listed for appearance of defendants and consideration on IA no. 01/2026.

At this stage, list of documents with documents and a pen-drive filed by plaintiff. Copy supplied.

Advocate for defendants submits that he has not been supplied with the complete paper book, to which Ld. Counsel for plaintiff undertakes to supply the same within 30 minutes. Heard. Be supplied against proper receipt.

Upon receipt, WS be filed within stipulated period with advance copy to the opposite party.

An application under order 1 rule 10 r/w Section 151 CPC seeking impleadment of an Independent Court Observer / Local Commissioner for the preservation of Democratic Rights of the members of Jain School Society (Regd.), preservation of records and assets of the Society

ensuring uninterrupted functioning of Jain Secondary School, filed by applicant Sh. Ashish Jain. ***Be checked and registered.*** Copy supplied.

Reply, if any, be filed within four weeks with an advance copy to the opposite party.

D10 has been stated to be served through whatsapp. **Let fresh summons be issued to D10 on filing of PF, returnable for NDOH.**

At this stage, Ld. Counsel for plaintiff has pressed IA no. 01/2026.

Advocates for defendants seeks time to address arguments on the aforesaid application and therefore, request for passover at 3.00 pm today as he has been recently engaged in this matter and seeks proper instructions from the respective party w.r.t. aforesaid application. Heard. Allowed.

Be awaited for arguments on aforesaid application at 3.00 pm.

(Gaurav)
District Judge-01/ SHD
KKD/Delhi/08.06.2026

(04.02 pm)

Present : Sh. Anuj Jain Ld. Counsel for plaintiff with
President of Society.

Sh. SriRam Verma and Ms. Rekha Agarwal
Ld. counsel for D1 to D9 (**Fresh v/nama filed.
Same be taken on record.**).

Applicant Sh. Ashish Jain in person.

Arguments heard on IA No. 01/2026 on behalf of
plaintiff and D1 to D9.

Be awaited for order on aforesaid application.

(Gaurav)
District Judge-01/ SHD
KKD/Delhi/08.06.2026

At 5:40 PM

ORDER

Present : None for plaintiff.
Sh. Kartikey Purohit Ld. Proxy counsel for D1 to D9.

1. By way of the present order, I shall decide an application filed by the plaintiff under Order XXXIX Rules 1 and 2 read with Section 151 of the Civil Procedure Code, 1908 (***hereinafter referred to as “CPC”***) seeking interim injunction restraining the defendants from acting as or representing themselves to be the Managing Committee of the plaintiff society and from interfering in the affairs, administration, management, records, bank accounts, funds and properties of the plaintiff society.

2. Briefly stated, the plaintiff has instituted the present suit seeking a decree of declaration declaring the alleged Triannual Election-2026, appointment of Returning Officer and documents dated 20.05.2026,

29.05.2026 and 31.05.2026 as null and void and further seeking a decree of permanent injunction restraining the defendants from acting as members of the Managing Committee of the plaintiff society and from interfering in its affairs. The case of the plaintiff is that the plaintiff society is a registered society running a Government-aided educational institution namely Jain Secondary School, Shahdara, Delhi. It is alleged that defendant no.10 unlawfully acted as Returning Officer and initiated a purported election process culminating in issuance of election-related documents dated 20.05.2026, 29.05.2026 and 31.05.2026 whereby defendants no.1 to 9 have projected themselves as elected office bearers of the society. It is the case of the plaintiff that the entire election process is fabricated, illegal, unconstitutional and liable to be declared null and void.

3. *Per contra*, the learned counsel for the defendant no. 1 to 9 have vehemently opposed the application and have, *inter alia*, contended that the suit itself is not maintainable as the same has not been instituted by a duly authorised person on behalf of the society. It is further contended that the relief claimed in the application is substantially identical to the final relief sought in the suit and, therefore, cannot be granted at the interlocutory stage.

4. I have heard learned counsel for the parties and carefully perused the material available on record.

5. It is a settled proposition of law that grant of temporary injunction is an equitable and discretionary relief. The applicant must

establish the existence of a *prima facie case*, *balance of convenience* in its favour and likelihood of suffering *irreparable loss and injury* in case the relief is denied. The three ingredients are cumulative and not alternative.

PRIMA FACIE CASE

6. The first and foremost aspect which strikes this Court is the issue concerning the very institution of the present suit. The plaintiff is not a natural person but a registered society. The present suit has been instituted in the name of the society through Sh. Ashok Kumar Jain claiming himself to be the President of the society. However, except for a bald assertion in the plaint that he is duly empowered to institute the present proceedings, no resolution of the Managing Committee, no authorization letter, no power of attorney, no minutes or extract of proceedings and no contemporaneous record evidencing such authorization has been placed on record.

7. Significantly, the Rules and Regulations of the society relied upon by the plaintiff itself contemplate that legal proceedings on behalf of the society are to be undertaken through duly authorised persons. The power to appoint legal advisors or attorneys and to act on behalf of the society in legal proceedings has been vested in the Managing Committee. Despite such specific provision, no document has been produced to show that the Managing Committee authorised institution of the present proceedings. Mere assertion in the plaint that the

President is empowered to institute the suit cannot substitute proof of authorization.

8. This aspect assumes greater significance in view of the fact that the plaintiff itself claims that the society consists of as many as 687 members. Yet, no resolution of the General Body or the Managing Committee authorising the present litigation has been brought on record. Therefore, serious cloud exists over the authority of the person instituting the present proceedings.

9. Another circumstance which weakens the plaintiff's claim is the admitted position regarding tenure of the Managing Committee. According to the plaint itself, the last election of the society was held in the year 2021. It is further admitted that under the rules and regulations of the society, elections are required to be conducted every three years. Thus, prima facie, the tenure of the committee elected in the year 2021 stood exhausted in the year 2024. Despite the same, no election was conducted in the year 2024. Even thereafter, no election was conducted in the year 2025. The explanation offered by the plaintiff is that certain discussions regarding up-dation of membership records were in progress. In the considered opinion of this Court, such explanation, at least at this interlocutory stage, does not satisfactorily explain continuation of the committee beyond its prescribed tenure. No specific resolution, proceeding book, correspondence or documentary record has been placed on record showing why elections could not be conducted for nearly two years after expiry of tenure.

10. The state of affairs of the plaintiff committee assumes further significance from the contention raised by the defendants that one of the office bearers, namely Sh. Rajesh Jain, the Secretary elected in the year 2021, expired during the relevant period and no steps were taken for filling up the vacancy. Although final findings on this issue cannot be returned at this stage, the contention remains unrebutted by any documentary material.

11. The plaintiff has also repeatedly asserted that the defendants are attempting to take over the society. However, the defendants have pointed out that several persons figuring in the presently elected body were already associated with the previous management structure and include persons who were part of or connected with the earlier administration. Without entering into disputed questions of fact, this circumstance prima facie dilutes the allegation that the impugned process is a hostile takeover by complete outsiders having no connection whatsoever with the affairs of the society.

12. The allegations regarding fabrication of notices, non-display of voter list, non-conduct of election proceedings, unauthorized appointment of Returning Officer and other election-related irregularities are all seriously disputed questions of fact requiring evidence. Such issues cannot be conclusively adjudicated at the stage of an application under Order XXXIX Rules 1 and 2 CPC. Consequently, this Court is unable to record a finding that the plaintiff

has established a strong prima facie case warranting grant of interim injunction.

BALANCE OF CONVENIENCE

13. The balance of convenience is equally not found to be in favour of the plaintiff. The principal relief sought in the suit is a declaration that the impugned election process and resultant committee are null and void and a consequential injunction restraining the defendants from acting as office bearers of the society.

14. The interim relief sought in the present application is substantially identical. Such a course would virtually amount to granting the final relief sought in the suit at the interlocutory stage itself. Even otherwise, if the defendants are restrained from acting as office bearers or representing themselves as the Managing Committee during pendency of the suit, the practical effect would be to negate the election process itself and to restore the previous committee to management despite expiry of its tenure.

15. It is a settled principle that courts ordinarily refrain from granting interim relief which substantially amounts to decreeing the suit before trial unless the case falls within the rarest category where an exceptionally strong prima facie case exists. The present case does not appear to fall within such category. Furthermore, the plaintiff seeks preservation of management rights in favour of a committee whose own tenure is not shown to be subsisting under the Constitution of the

society. The balance of convenience, therefore, cannot be said to be exclusively tilted in favour of the plaintiff.

IRREPARABLE LOSS AND INJURY

16. The plaintiff has asserted that irreparable injury shall be caused if the defendants are not restrained. However, the pleadings reveal only apprehensions and allegations which are yet to be established by evidence.

17. No specific act of alienation of property, diversion of funds, creation of third-party rights or actual interference with the functioning of the school has been demonstrated through cogent material presently available on record.

18. The rights of the parties regarding validity of the election process remain open for adjudication during trial. In the event the plaintiff ultimately succeeds, appropriate consequential reliefs can be granted by the Court. Thus, at this stage, irreparable injury of such nature as would warrant grant of the sweeping injunction sought by the plaintiff is not made out.

19. In view of the foregoing discussion, this Court is of the considered opinion that the plaintiff has failed to establish a prima facie case of the nature required for grant of temporary injunction; the balance of convenience is not in favour of granting the relief sought; irreparable injury has not been demonstrated; and grant of the

injunction prayed for would substantially amount to granting the final relief claimed in the suit itself.

20. Consequently, the application under Order XXXIX Rules 1 and 2 read with Section 151 CPC is hereby dismissed.

21. Needless to state, any observation made herein is purely tentative in nature and confined to adjudication of the present application and shall not be construed as an expression of opinion on the merits of the suit.

22. **To come up for the appearance of the defendant no. 10, filing of written statement and consideration of application under order 1 rule 10 CPC on 08.10.2026.**

(Gaurav)
District Judge-01/ SHD
KKD/Delhi/08.06.2026