

15 CS SCJ 1760/22

**ROTARY CLUB OF NOIDA EXCELLENCE Vs. DR LALIT
KHANNA**

09.09.2025

Present : None for plaintiff.

Ms. Sonakshi Chaturvedi, Ld. Counsel for defendant
no. 1 through VC.

Sh. Siddharth Dutta and Sh. Pratyush Singh, Ld.
Counsel for defendant no. 2.

None for defendant no. 3.

Arguments heard on applications under Order 7 Rule
11 r/w section 151 of CPC moved by defendants no. 1 and 2 .

Be awaited for plaintiff.

(Priyanka Rajpoot)
SCJ-cum-RC, New Delhi,
PHC, New Delhi/09.09.2025

At 2:15 PM

Present : None for plaintiff.

Ms. Sonakshi Chaturvedi, Ld. Counsel for defendant
no. 1 through VC.

None for remaining defendants.

The plaintiff has filed a suit for declaration,
permanent and mandatory injunction against the defendants and
has sought following reliefs :

*“i) Pass a decree of declaration thereby
declaring Nomination of Defendant No. 3 for
District Governor for the Rotary year 2025-2026
as Null and Void being illegal.*

-: 2 :-

ii) Pass a decree of mandatory injunction in favour of the plaintiff and against the defendants no. 1 & 2 thereby directing the defendants no. 1 & 2 to take proper and legal action against the Defendant No. 3 as per MOP 2022 of the Rotary International by-laws.

iii) Pass a decree of permanent injunction in favour of the plaintiff and against the defendant no. 3, thereby restraining the above defendant no 3, to contest for the Post of District Governor in Election of District Governor for the Rotary year 2025-2026.

iv) Pass the order decree of mandatory injunction in favour of the plaintiff and against the defendants no. 1 & 2 thereby directing the defendants no. 1 & 2 to conduct the election free and fair.

v) Pass the order decree of mandatory injunction in favour of the plaintiff and against the defendants no. 1 & 2 thereby directing the defendants no. 1 & 2 to conduct the election process as per MOP 2022 of the Rotary International by-laws.

During the course of arguments, Ld. Counsels for defendants no. 1 and 2 submitted that the elections were held on 08.01.2023 and defendant no. 3 has already been elected to the position of District Governor for the Rotary Year 2025-2026.

They further drew attention of the court towards the email communication dated 10.01.2023 which was filed

-: 3 :-

alongwith their respective applications whereby the election results were declared. They also referred to the order dated 24.05.2025 of Ld. DJ-05, New Delhi District, Patiala House Courts, New Delhi in Miscellaneous Civil Appeal No. 10/2024, titled as *Rotary International v. Nishi Sachdeva & Anr.*, which records the factum of termination of membership of plaintiff as a member of defendant no. 2.

Accordingly, it was submitted by them that the reliefs sought by the plaintiff no longer survive and the present case is liable to be dismissed as infructuous.

Notably, the plaintiff has not filed any reply to the said applications and has not controverted the documents relied upon by defendants no. 1 and 2.

Further, no one has appeared on behalf of the plaintiff since morning despite repeated calls. Perusal of the record reveals that on the last date of hearing also, no one had appeared on behalf of the plaintiff. Thus, it appears that the plaintiff is not interested in diligently pursuing the present suit. Hence, the present suit of the plaintiff is liable to be dismissed in default for non-appearance and non-prosecution.

Be that as it may, even if the present case is considered on merits, it seems that the suit has become infructuous in view of the documents mentioned herein above.

It is settled law that the continuation of a suit, the cause of action of which has become otiose, would amount to an abuse of process of law and interest of justice demands that such a suit should be disposed off at the earliest under section 151 of

-: 4 :-

CPC as having become infructuous.

In the light of foregoing discussion and considering repeated non-appearance of plaintiff and absence of a subsisting cause of action, the present suit stands dismissed. Both the aforesaid applications are accordingly disposed off.

File be consigned to Record Room after due compliance.

**(Priyanka Rajpoot)
SCJ-cum-RC, New Delhi,
PHC, New Delhi/09.09.2025**