

8 CS DJ 534/26

Vir Chand Maini Vs. Ready Made Garments Cloth Dealers Welfare Association Through its General Secretary

At 2.00 p.m.

18.07.2026

VC of this court is not working.

Present : Sh. V. K. Sachdeva and Mr. Darshan Paliwal Ld. Counsels for plaintiff along with plaintiff in person.
Sh. Kishore Kumar, Ld. Counsel for defendant **through VC**.
Sh. Avinash Kumar, Ld. Counsel for D-2.
Sh. Sansar Kumar and Sh. Vinay, Advocates for Secretary
Mr. Ranjeet Gangwal.
Sh. Sameer Yadav, Assistant Observer.

Fresh vakalatnama filed on behalf of D-2. Be taken on record.

Report filed on behalf of Ld. Observer. Copy be supplied.

Application filed on behalf of court appointed Ld. Observer for making payments/fees. Copy be supplied.

Payment as per the application be made to the observer within 3 days by D-1.

Pen drive filed on behalf of Ld. Observer. Copy be supplied.

It is submitted on behalf of defendants that the elections have been conducted in unfair manner and stay may be granted upon the result and function/conduct of business by the newly formed association.

Cont...2/-

It is also submitted that the Ld. Observer has not conducted the election in the fair manner and they have raised the following primary objections:

- a) That the vote of 3 voters was bogus which was used in the election of Secretary,
- b) No SIR/similar procedure was followed for identification of voters and to ensure duplicacy/bogus voting,
- c) The proposer was asked to sign by the Ld. Observer which could not be done at the stage of election,
- d) At the time of scrutiny, proper precautions were not taken,
- e) The right of president to cast his additional vote, due to tie up/equal votes of contestants, was not allowed,
- f) The elections were conducted immediately and the voter list was provided at 12 Midnight,
- g) Objections regarding voter list were not considered.
- h) The new forms which were filled by the new members from 01.04.2026 to 30.04.2026 were not intimated to the then president,
- i) The unused ballot papers were not counted and nothing was informed about those ballots to the then president.

Upon this, it is submitted on behalf of plaintiff that detailed report has been filed by the Ld. Observer and all the objections were taken care of in the report. It is further submitted on behalf of plaintiff

Cont...3/-

that they wish to withdraw the suit as the prayer sought in the plaint is fulfilled/achieved and now nothing survives in the suit. Separate statement of plaintiff recorded in this regard.

In view of the submissions and statement, at this stage, it appears that now no cause of action survives in this case as the prayer sought by the plaintiff is fulfilled/achieved. Regarding the objections by the other party, it gives rise to another cause of action which is to be adjudicated after going through proper pleadings. Therefore, defendant no.2 is at liberty to raise their grievance before appropriate forum by separate proceedings and as there is no use of continuing with the suit, permission is given to the plaintiff to withdraw the present suit.

The plaintiff to provide all the documents filed today to the other party within two days.

Application is pending under Order 39 Rule 1 and 2. As the suit has been withdrawn, the application become infructuous and is **disposed of accordingly.**

File be consigned to record room.

Dasti.

(ANIL KUMAR PASWAN)
DJ-15/Central/THC/Delhi
18.07.2026