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

+ **CS(OS) 373/2022 & I.A. 9763/2022 (u/s 92 CPC)**

SHIV KUMAR JATIA & ANR.

..... Plaintiffs

Through: Mr. Sandeep Sethi, Senior Advocate
with Mr. Sidhant Kumar, Mr. Karan
Bharhag and Ms. Manyaa Chandok,
Advocates.

versus

RAM PYARI DEVI CHARITABLE TRUST & ORS.

..... Defendants

Through: Mr. Rajiv Nayar, Senior Advocate
with Mr. Kartik Nayar, Mr. Saurabh
Seth, Mr. Rishab Kumar and Ms.
Manjira Das Gupta, Advocates for D-
1 to 4.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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06.07.2022

I.A. 9764/2022 (u/O-XXXIX R-1 & 2 of CPC)

1. Mr. Sandeep Sethi, Senior Counsel appearing on behalf of the plaintiffs makes the following submissions:

(i) A notice in respect of a meeting of the Board of Trustees of the defendant no.1 Trust was sent at 2:08 PM on 1st June, 2022 for a meeting to be convened at 2:30 PM on the same date.

(ii) The notice of the said meeting was not sent to the plaintiff no.2, who is also one of the four trustees.



(iii) The notice of the said meeting indicated that the meeting was to be held on 1st June, 2022 at 2:30 PM, however, the meeting was held at 1:30 PM. Reliance in this regard has been placed on the minutes of the meeting (filed on behalf of the plaintiff at page 116 of the documents in CS(OS) 372/2021).

(iv) the plaintiff no.1 is shown to be present in the meeting. However, in reality, he was not present in the meeting.

2. Two of the decisions taken in the meeting held on 1st June, 2022, as reflected in the minutes included (a) appointment of the defendant no.4 as a trustee in the defendant no.1 Trust; and, (b) shifting of the Registered Office of the Trust from Delhi to Kolkata.

3. Mr. Rajiv Nayar, Senior Counsel appearing on behalf of the defendants no.1 to 4 submits that the said meeting was called after the notice was duly signed by the plaintiff no.1. He further submits that the plaintiff no.1 had duly participated in the aforesaid meeting.

4. I have heard the counsels for the parties.

5. A cloud has been created over the validity of the aforesaid meeting and the manner in which it was held. Admittedly, no notice was sent to the plaintiff no.2, who is one of the four trustees, and therefore, she could not be present at the meeting. Further, the time at which the meeting was held was also different from the time indicated in the notice. In fact, the meeting was held even before the notice was sent.

6. A *prima facie* case is made out on behalf of the plaintiffs.

7. Consequently, till the next date of hearing, there shall be a stay on the decisions recorded in the minutes of the meeting held on 1st June, 2022.

8. Further, status quo shall be maintained in respect of the immovable



properties owned by the defendant no.1 Trust.

9. Reply be filed within four weeks.
10. Rejoinder thereto, if any, be filed before the next date of hearing.
11. List on 19th September, 2022.

CS(OS) 373/2022

12. Pleadings be completed in terms of the order dated 17th June, 2022.
13. List on 19th September, 2022.

JULY 6, 2022
at

AMIT BANSAL, J.