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

+ **C.R.P. 172/2024 & CM APPL. 32875/2024**

AKHIL BHARTIYA SANTMAT SATSANG (REGD.) &

ORS. Petitioner

Through: Mr.Jatinder Kumar Sethi,
Mr.Sarthak Karol and
Mr.Himanshu Sethi, Advocates.

versus

SHRI ASANAND JI & ORS. Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER
% **29.05.2024**

CM APPL. 32876/2024

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

C.R.P. 172/2024 & CM APPL. 32875/2024

3. The petitioners, who are defendants in the suit instituted by the respondents/the plaintiffs, assail the impugned order dated 20.03.2024 passed by the learned Small Causes Court, ASJ, North West District, Rohini, Delhi, whereby their application under Order 7 Rule 11 CPC has been dismissed.
4. None appeared on behalf of the respondents despite advance notice.
5. Learned counsel for the petitioner has referred to the reliefs sought by the respondents/plaintiffs in the plaint, in particular reliefs



(a) and (b) as well as the observations made by the learned Trial Court in paragraph (19) of the impugned order.

6. It is pointed out that the learned Trial Court has erroneously come to the conclusion that there are no obligations vested in the trust in respect of any properties whereas in paragraph (32) of the plaint, the respondents/plaintiffs have themselves detailed as many as seven properties belonging to the trust at different places.

7. It is urged by the learned counsel for the petitioners that there is no cause of action in favour of the respondents/plaintiffs inasmuch as the leave of the Court has not been taken in terms of Section 92(1) and (2) of the CPC and the respondents/plaintiffs have no right, title or interest in the trust property either.

8. The issues raised by the learned counsel for the petitioners require deeper examination.

9. Let notice of the present petition be issued to the respondents by all permissible modes, returnable on 14.10.2024.

10. In the meanwhile, the proceedings before the learned Trial Court shall remain in abeyance till the next date of hearing.

DHARMESH SHARMA, J.

MAY 29, 2024

VLD