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

+ **CS(COMM) 766/2024**

JAIPURIA EDUTECH FOUNDATION & ANR.Plaintiffs
Through: Mr. Rohit Sharma, Mr. Nikhil
Purohit, Advs.

versus

YUG CHARITABLE TRUSTDefendant
Through: Mr. Mr. Modassir H. Khan, Mr.
Akash Shukla and Mr. Manoj K.
Singh, Advs.

CORAM:
HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **29.05.2025**

I.A. 13994/2025-For appointment of Local Commissioner and consequent reliefs

1. *Vide* present application, the plaintiffs seek appointment of a Local Commissioner seeking the following reliefs:-

“(A) Appoint a Local Commissioner to visit the premises of the Defendant at Ballia, as mentioned in paragraphs 26 and 27 above, and carry out the following:-

a. Inventorize the records of fresh admissions made by the Defendant in “Seth M.R. Jaipuria School, Ballia” during the academic years 2024-25 and 2025-26 in any class, particularly in Classes Nursery and LKG; AND

b. Seize the records relating to fresh admissions during the academic years 2024-25 and 2025-26 including admission forms, attendance records, fee statements, books of accounts and any other relevant documents to ascertain the total number of fresh admissions made in the academic years 2024-25 and 2025-26; AND



c. Inventorize and prepare a record of the bank account statements of the officials and members of Defendant Trust and the officials and employees of Seth M.R. Jaipuria School, Ballia in particular the personal bank account statements of Mr. Arun Kumar Yadav, Principal of Seth M.R. Jaipuria School, Ballia; AND

d. Upon making inventory, seize the said records and place them under lock and key; AND

e. Seize all the books of accounts, ledger, cash registers, invoices, day books etc. of the Defendant and Seth M.R. Jaipuria School, Ballia; AND

(B) Direct the SHO(s) of the concerned police station(s) to assist the Local Commissioner(s) so appointed in execution of its / their commission in terms of prayer 'A' above; AND

(C) Pass ex-parte ad-interim orders in terms of prayers (A) and (B) above; AND

(D) Pass such other order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. Issue notice.

3. Learned counsel for the defendant, appearing on advance notice, accepts notice and submits that he has not been served with a complete set of paper-book of the present application.

4. At the outset, drawing the attention of this Court to the set of documents filed by the plaintiff under Dy. No. 3744418 (Document-9), learned counsel for the plaintiff submits that the Mr. Arun Kumar Yadav, Principal, Seth M.R. Jaipuria School, Ballia which is run by the defendant Trust has accepted admission fee in his personal account as late as on 20.05.2025.

5. Since learned counsel for the defendant is unable to submit whether the same is correct or not as he is unaware of the name of the Principal of the said school, he is directed to obtain specimen signatures of the



Principal, namely, Arun Kumar Yadav on WhatsApp and come with a printout thereof at 3:00 O' Clock today.

6. On the second call in the post-lunch session, learned counsel for the defendant has handed over a specimen of the signatures of the Principal which, in the opinion of this Court, is similar to a set of documents filed by the plaintiff under Dy. No. 3744418 (Document-9). The said specimen of the signatures is taken on record.

7. Learned counsel for the defendant further submits that the same should not have happened, if at all, and further submits that Mr. Naveen Rai, the authorised representative of the defendant Trust assures this Court of taking appropriate action(s) *qua* the aforesaid since the instruction as recorded in the order dated 01.04.2025 has already been given to all departments of the aforesaid school run by the defendant.

8. Issue notice.

9. Reply to the present application be filed within four weeks. Rejoinder(s) thereto, if any, be filed within two weeks thereafter.

10. List on 24.07.2025, the date already fixed.

I.A. 13995/2025 (*Exemption from advance service*)

11. In view of the aforesaid order passed in I.A. 13994/2025, the present application has become infructuous.

12. Accordingly, the present application is dismissed as having become infructuous.

SAURABH BANERJEE, J

MAY 29, 2025/bh