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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 148/2018, I.As. 4737/2018, 4738/2018, 14720/2018,
16192/2018, 16209/2018, 16626/2018, 16978/2018, 16979/2018,
665/2019, 666/2019 & 667/2019

THE YOUNG MENS CHRISTIAN ASSOCIATION OF
ERNAKULAM & ORS Plaintiffs

Through: Mr. Jayant Bhushan, Senior Advocate
with Mr. P.I. Jose and Ms. P.S.
Chandralekha, Advocates.
(M:9811556966)

versus

NATIONAL COUNCIL YMCAS OF INDIA Defendant

Through: Mr. Basant R and Mr. P. Thomas,
Senior Advocates for D-1 in I.As.
665/2019 and 667/2019.
Mr. Kunal Manav and Mr. Puneet
Jaiswal, Advocates in .As. 665/2019
and 667/2019. (M:9891234058)
Mr. Ranjay N., Advocate for
Applicant in I.As. 16209/2018,
16626/2018. (M:9871584658)
Mr. Amit Mahajan and Mr. Dhruv
Pande, Advocates. (M:9811191920)
Mr. Sanjiv Sindhvani, Senior
Advocate with Mr. Rohit Nagpal and
Mr. Jaspreet Rai, Advocates for
Applicant. (M:9811601211)

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% 17.01.2019

1. There are several applications which have been filed today which reveal that there is a complete stalemate in the functioning of Defendant



No.1, National Council of YMCAs of India ('Council'). The allegation is that the Secretary, Mr. Mani Kumar, who was in control of all the records, is not handing over the records to the new President, on the ground that he has been appointed by the Executive and does not report to the President. Under such circumstances, the new President has also put his lock on the room containing all the official records. Thus, currently the functioning has come to a complete standstill.

2. In the elections which were held on 2nd December, 2018, under the supervision of Election Officer appointed by this Court, the following persons were elected: -

- (i) President – Mr. J.B. Koshy
- (ii) Vice President(s) – Mr. Asokan Solomon, Mr. Gaurav Kalyan and Mr. Jacob Koshy
- (iii) Treasurer – Mr. R.S. Shettian

3. The election of the President has been challenged on the ground that he was elected unopposed and accordingly, this Court had directed on 11th December, 2018 as under: -

“3. The newly elected team shall takeover and perform its functions in accordance with the constitution, memorandum and rules. Let the present applications also be listed on the said date. Any decisions taken by the current President who has been elected on 2nd December, 2018 shall be subject to the outcome of the present applications and the applications which are already pending before this Court.”

4. The facts which have now been spelt out in these applications show that there are disputes within the Defendant No.1, as to who should act as the Secretary, and which counsel should represent the Council, and various



other administrative decisions. Accordingly, it is deemed appropriate to direct as under: -

- (i) **Mr. Johns George, Advocate (08394927678)** is appointed as a Local Commissioner to visit the office of Defendant No.1 and take into custody all the records of Defendant No.1. Mr. Mani Kumar and Mr. Bertram Devdas who has been appointed by J.B. Koshy as the Officiating Secretary, will cooperate with the Local Commissioner and ensure that all the records are handed over to the Local Commissioner.
- (ii) The Local Commissioner shall then prepare a complete list of all the files, duly assisted by Mr. Mani Kumar and Mr. Bertram Devdas. After the files are duly taken, the Local Commissioner shall put a lock and keep custody of all the records. The keys shall be brought to this Court on the next date along with the LC report.

The local commission shall be executed on 23rd and 24th January, 2019 from 11 am onwards. The Local Commissioner shall be paid a fee of Rs.1 lakh by the Council.

5. Upon the Local Commissioner's exercise being completed, a meeting shall be called of the following persons: -

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|----|-------------------|---|---|
| a) | President | – | Mr. J.B. Koshy |
| b) | Vice President(s) | – | Mr. Asokan Solomon,
Mr. Gaurav Kalyan and
Mr. Jacob Koshy |
| c) | Treasurer | – | Mr. R.S. Shettian |



6. The meeting shall take place on 1st February, 2019 at 2:30 pm, in the presence of the Court observer, **Ms. Rebecca John, Senior Advocate (M: 9810068499)**. The venue for the meeting of the office bearers shall be the office of the Council in Delhi. The office bearers shall take a decision in respect of the following: -

- (i) Appoint a new National General Secretary for the National Counsel of YMCAs of India.
- (ii) Appoint counsels who would be representing Defendant No.1 and execute the necessary *vakalatnamas*.
- (iii) Decide a date for the meeting of the National Board.
- (iv) Decide on a schedule for the conduct of the elections of the National Executive.

The decisions shall be drawn up in the form of minutes and shall be placed before this Court on the next date, under the signatures of the Observer.

7. The fee of the Ld. Observer for attending the meeting and also for finalising the minutes and submitting the same before this Court, is fixed at Rs. 2,00,000/-. The fee of the Local Commissioner and the Ld. Observer shall be borne by the Council.

8. All the remaining applications shall be taken up for hearing on the next date. Parties are directed to their complete pleadings in all the I.As. before the next date. List before Court on 20th February, 2019.

9. *Dasti*.

PRATHIBA M. SINGH, J.

JANUARY 17, 2019

Rekha