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

+ **CS (OS) 148/2018, I.As. 4737-38/2018, 14720/2018, 16192/2018, 16209/2018, 16626/2018, 16978-79/2018, 665-67/2019, 1580-82/2019, 1892-95/2019, 1902/2019, 2653/2019, 4312-13/2019 & 4861/2019**

**THE YOUNG MENS CHRISTIAN ASSOCIATION OF
RNAKULAM & 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. Thomas P. Joseph, Senior
Advocate with Mr. Puneet Jaiswal,
Advocate for D-1. (M:9891234058)
Mr. Ajit Pudussery, Mr. Ajeet Singh
Verma and Mr. K. Vijayan,
Advocates for D-2 & 3.
(M:9810164651 & 9205813618)
Mr. Manu Krishnan, Advocate for D-
4. (M:9599566339)
Mr. Jaspreet Singh Rai, Mr. Rohit
Nagpal and Mr. Sukhdeep Kaur Rai,
Advocates in I.As.16978-79/2018.
(M:9810725372)
Mr. Ranjay N., Advocate applicant in
I.A.16209/2018. (M:9871584658)
Mr. Koshy John, Advocate in
I.As.1892/2019, 1894/2019 &
1895/2019. (M:9910398534)

**CORAM:
JUSTICE PRATHIBA M. SINGH**

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**ORDER
04.04.2019**



I.A.4859-60/2019

1. These are applications moved by Defendant no.1 -National Council of YMCAs of India (YMCA Council) in the present suit for impleadment of Mr. Lebi Philip Mathew and Mr. Koshy Mathew in the present suit and further directions against them.

2. Allegations in these applications are that Mr. Lebi Philip Mathew, who was earlier the national president of the YMCA Council continues to function as chairman of YMCA College of Physical Education, Chennai (YMCA College, Chennai) even after having been unseated as the President of the YMCA Council. The further allegation is that a large number of cheques are being issued and amounts from the bank accounts of YMCA College, Chennai are being siphoned off.

3. Accordingly, prayers are sought for restraining Mr. Lebi Philip Mathew and Mr. Koshy Mathew from operating the bank account of YMCA College of Physical Education, Chennai and directions for an investigation are also sought.

4. It is pointed out by Ld. Senior Counsel appearing for the YMCA Council that as per Article VII 3 (a) (iii) the management of College of Physical Education, Chennai has to be chaired by the National President of the YMCA Council. Mr. Lebi Philip Mathew was acting as the chair of the YMCA, College Chennai when he was the President of the National Council but since he is no longer the President, he cannot continue functioning in the YMCA College, Chennai. Article VII (3) (a) reads as under:

“It shall be for the National Board:

...

(iii) to constitute Committees of Management for all the Projects of the Society,



(a) The Chairman of the Committee of Management/Board of Trustees of India Student Hostel, London will be the National President/Nominees of the National Board of the National Council of YMCAs of India

***(b) The Committee of Management of College of Physical Education, Chennai will be chaired by the National President**/Nominee of the National Board of the National Council of the YMCAs of India.”*

5. From the above provision in the Memorandum of Association of the YMCA Council, it is clear that the YMCA College, Chennai is to be chaired by the National President. This court is currently seized of the disputes in respect of the election to the post of President.

6. Under these circumstances, Mr. Lebi Philip Mathew and Mr. Koshy Mathew are impleaded as Defendant Nos.5 & 6 in the present case. Ld. counsels appearing for the Defendants submit that they do not have any instructions either by Mr. Lebi Philip Mathew or Mr. Koshy Mathew to accept the summons and notice on their behalf. Summons and Notices be served upon them. Notice be served by e-mail. Defendant Nos.5 & 6 to file their replies before the next date.

7. A perusal of the letter dated 2nd April, 2019 written by Dr. George Abraham, Principal of YMCA College of Physical Education, Chennai handed over today, shows that there is disturbance being created in the working of the YMCA College, Chennai. There is also apprehension that the amounts from the bank accounts of the college are being siphoned off. Under these circumstances, it is directed that any cheques that have to be issued from the accounts of the YMCA College of Physical Education, Chennai shall be counter signed by Dr. George Abraham in addition to the



existing signatories.

8. All the parties submit that there is an urgency in the matter as the records of National YMCA Council are under lock and key and the keys have been deposited in this Court. List on 25th April, 2019 for conclusion of submissions of all the counsels in the various I.As. *Dasti*.

PRATHIBA M. SINGH, J.

APRIL 04, 2019/dk