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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS (OS) 148/2018**

**THE YOUNG MENS CHRISTIAN ASSOCIATION OF
ERNAKULAM & ORS.**

..... Plaintiffs

Through: Mr. Ajit Pudussery and Mr. Ajeet
Singh Verma, Advs. (M:
9810164651).

versus

NATIONAL COUNCIL YMCAS OF INDIA Defendant

Through: Mr. Thomas P. Joseph, Sr. Advocate
with Mr. Puneet Jaiswal, Advocate
for D-1 (M: 9891234058).

Mr. Manu Krishnan, Advocate for D-
4 (M: 9599566339).

Mr. Jayant Mehta and Mr. Koshy
John, Advocates for I.A. Nos.
1892/2019, 2894/2019 and 1895/2019
(M: 9910398534).

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **09.05.2019**

I.A. 4861/2019 (for exemption)

1. This is an application filed by Defendant No.1 seeking grant of exemption. The same is allowed, subject to all just exceptions.

2. I.A. is disposed of.

I.A. 4859/2019 (For impleadment)

3. This is an application seeking impleadment of Mr. Lebi Phillip Mathew and Mr. Koshy Mathew as Defendants in the present suit.

4. Mr. Lebi Phillip Mathew and Mr. Koshy Mathew have been impleaded as Defendants No. 5 and 6 vide order dated 4th April, 2019. Accordingly, no further orders are called for. I.A. is disposed of.

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I.A. 4860/2019 (for directions)

5. This is an application by which directions are sought against the newly impleaded Defendant Nos 5 and 6 from holding the YMCA College of Physical Education Board of Management Committee meeting on 30th March, 2019 and certain other directions in respect of operation of the bank accounts of the said YMCA College of Physical Education. The Defendants have already filed their reply. Interim order passed on 4th April, 2019 shall continue to operate in respect of the operation of the Bank accounts of YMCA College of Physical Education.

6. List on 30th August 2019.

I.A. 4313/2019 (for exemption)

7. Exemption allowed subject to all just exceptions. I.A. is disposed of.

I.A. 4312/2019 (for release of the key of cupboard containing the records.)

8. By this application Defendant No. 1 seeks release of the keys of the cupboard which was sealed, by the presence of the Local commissioner, containing the records of Defendant No 1.

9. Arguments heard. Judgment reserved. Parties are permitted to file their written submissions on or before 20th May, 2019.

I.A. 2653/2019 (for directions)

10. By this application, directions have been sought for election of members to the National Executive and conduct of the National Board.

11. Arguments heard. Judgment reserved. Parties are permitted to file written submissions on or before 20th May, 2019.

I.A. 1902/2019 (u/O I Rule 10 CPC)

12. This is an application seeking impleadment of 31 YMCAs. The 31



YMCAs have been heard in the present matter. On 20th February, 2019, this Court had already directed that the parties who have sought impleadment would be allowed to intervene in the matter and make submissions. They are permitted to appear before the Court as interveners and are not required to be impleaded as Defendants in the suit. Considering the nature of the present suit, which is under Section 92 CPC, interveners are permitted to seek reliefs and are permitted to argue and press for directions in I.A. Nos. 1893/2019 and 1892/2019. I.A. is disposed of.

I.A. 1895/2019 (u/O I Rule 10 CPC)

13. By the present application, the National General Secretary, Mr. Manikumar seeks impleadment. Without going into the merits of the averments made in the application, and leaving open all objections, it is held that Mr. Manikumar is a necessary and proper party and is accordingly impleaded as Defendant No.7. I.A. is disposed of.

I.A. 1894/2019 (Seeking quashing of all directions)

14. By this application, Mr. Manikumar, the Applicant seeks quashing of all the directions passed by the current president who was elected in the elections dated 2nd December, 2018. The said application would be taken up after orders passed in the other IAs where judgement is being reserved.

15. List on 30th August, 2019.

I.A. 1893/2019 (for directions)

16. This is an application moved by 31 YMCAs seeking setting aside of the election dated 2nd December, 2018, and further seeking a prayer that they be included in the list of good standing YMCAs, and also seeking fresh elections.

17. Arguments heard. Judgment reserved. Parties are permitted to file
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written submissions on or before 20th May, 2019.

I.A. 1892/2019 (for recall of the Order Dated 17.1.2019)

18. By this application, Mr. Manikumar seeks recall of order dated 17th January, 2019 and or modification thereof.

19. Arguments heard. Judgment reserved. Parties are permitted to file written submissions on or before 20th May, 2019.

I.A. 1582/2019 (u/O I Rule 10 CPC)

20. This application is moved seeking impleadment by Mr. Peniyathu Philip Varughese, who is the Regional Chairman, Central India region of the YMCAs. This Court had already allowed impleadment of the Applicant in the present application, as Defendant No.4, vide order dated 1st February, 2019. Amended memo of parties has already been filed.

21. I.A. is disposed of in the above terms.

I.A. 1581/2019 (u/O I Rule 10 CPC)

22. This application is filed on behalf of seven YMCAs seeking impleadment. On 20th February, 2019, this Court had already directed that the parties who have sought impleadment would be allowed to intervene in the matter and make submissions.

23. I.A. is disposed of in the above terms.

I.A. 1580/2019 (for modification of order)

24. By this application, Mr. Peniyathu Philip Varughese has sought modification of order dated 17th January, 2019 and seeks participation of all members of the National Executive in the meeting which was to be held on 1st February, 2019. The said meeting has already been held and the Observer has filed her report.

25. The said application is disposed of as infructuous.



I.A. 667/2019 (u/O III Rule 4 CPC)

26. This is an application under Order III Rule 4 seeking permission to change the counsel appearing for Defendant No.1. Vide order dated 20th February, 2019, it was directed as under:

“7. Mr. Punit Jaiswal is permitted to appear as the Counsel for the Defendant No.1, in view of the decision taken in the meeting held on February, 2019.”

27. In view of the above order, the application is no longer survives and is disposed of in the above terms.

I.A. 666/2019 (for directions)

28. This is an application filed by the earlier counsels for Defendant No.1 seeking directions against the President who was elected on 2nd December, 2018 and to release the locks put on the record room. Defendant No.1 is now represented through counsel who does not press this application.

29. I.A. is disposed of as not pressed.

I.A. 665/2019 (for direction)

30. By this application, Defendant No.1 is seeking that the locked office room be opened by officiating NGS - Mr. Bertram Devdas. It is also prayed that the newly elected officers be given access to all the official records. After the filing of this application, a Local Commissioner was appointed and the entire record has been inventorised and has been placed under lock and key. The keys are already deposited before this Court.

31. Arguments heard. Judgment reserved. Parties are permitted to file written submissions on or before 20th May, 2019.

I.A. 16979/2018 (for stay)

32. This application is filed by YMCA, Kumplampoika, praying that the



elections conducted for the post of President be declared as null and void and fresh nominations be called for holding of fresh elections for the YMCA.

33. Arguments heard. Judgment reserved. Parties are permitted to file written submissions on or before 20th May, 2019.

I.A. 16978/2018(u/O I Rule 10 CPC)

34. This application is filed by YMCA, Kumplampoika for impleadment on the ground that the said YMCA is an interested person. The said YMCA is permitted to intervene in the matter and also given leave to pursue I.A.16979/2018. I.A. is disposed of in the above terms.

I.A. 16626/2018 (for setting aside of order)

35. This application seeks setting aside of the selection notification of seven Secretaries to the National Board. The same is adjourned to 30th August, 2019.

I.A. 16192/2018(u/O I Rule 10 CPC)

36. This is an application filed by YMCA, Patthanamthitta seeking impleadment in the present suit. The said YMCA was held to be of not good standing and its candidate was also disqualified from the elections to the post of the President. The said YMCA is impleaded as Defendant No.8 in the suit. I.A. is disposed of.

I.A. 16209/2018 (seeking setting aside of Election Officer's order dated 21st November, 2018)

37. This is an application by YMCA, Patthanamthitta seeking setting aside of the Election Officer's order dated 21st November, 2018. Arguments heard. Judgment reserved. Parties are permitted to file written submissions on or before 20th May, 2019.



I.A. 14720/2018 (for delay)

38. This is an application for condonation of delay of 67 days in filing of written statement. The same is condoned. Written statement is taken on record. I.A. is disposed of.

I.A. 10373/2018 (for stay)

39. By this application, Mr. Paul George, who is the General Secretary of the Bombay YMCA seeks stay of the operation of the letter dated 6th March, 2018 issued by Defendant No.1. Ld. Counsels for Defendant No.1 to seek instructions in respect of this I.A.

40. List on 30th August, 2019.

I.A. 4738/2018 (for stay)

41. By this application, certain interim orders are sought. The interim order already passed in the application shall continue. Defendant No.1, Ld. Counsel for the Defendant No.1 to seek instructions on the remaining reliefs.

42. List on 30th August, 2019.

I.A. 4737/2018 (for appointment of receiver)

43. Arguments heard. Judgment reserved. Parties are permitted to file written submissions on or before 20th May, 2019.

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44. List on 20th May, 2019 for receiving of written submissions. An amended memo of parties be filed taking into consideration all the newly impleaded parties. The Memo of parties may also array the interveners for the sake of ready reference. List on 30th August, 2019.

PRATHIBA M. SINGH, J.

MAY 09, 2019

MR/Rahul

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