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

+ CS(OS) 148/2018 & I.A. Nos. 4738/2018, 665/2019, 1894/2019,
11557/2019

THE YOUNG MENS CHRISTIAN
ASSOCIATION OF ERNAKULAM & ORS Plaintiffs
Through: Mr.P.I. Jose, Advocate.

versus

NATIONAL COUNCIL YMCAS OF INDIA Defendant
Through: Mr. Thomas P. Joseph, Senior
Advocate with Mr.Puneet Jaiswal,
Advocate for D-1.
Mr. Ajit Pudussery & Mr.Ajeet
Singh Verma, Advocates for D-2.
Mr. Jayant Mehta, Advocate for D-
5 to 7.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
% **03.09.2019**

I.A. 4860/2019(for direction on newly impleaded defendants)

1. This is an application by the defendant no.1 for directions upon the newly impleaded defendants, namely, Mr.Lebi Philip Mathew and Mr.Koshy Mathew not to hold the meeting of the Management Committee of the YMCA College of Physical Education, Chennai (hereinafter referred to as “the College”) which was scheduled to be held on 30.03.2019 and for further directions with regard thereto.

CS(OS) 148/2018

Page 1 of 4



2023, Page 2 of 4

2. In the course of proceedings, it appears that fresh elections for the post of President of National Council of YMCA of India have been scheduled. Hon'ble Mr. Justice Kurian Joseph, former Judge of the Supreme Court of India, has been appointed as the Election Officer by the judgment dated 19.07.2019 in these proceedings.

3. It is submitted by counsel for all the parties that the controversy in this application can be resolved by appointing an independent person to be the Chairman of the Board of Management of the College until the election to the post of President of the National Council is held. At the request of this Court, and with the consent of all the parties, Hon'ble Mr. Justice Kurian Joseph has consented to Chair the Board of Management of the College until the election to the post of President of the National Council of YMCA is concluded.

4. The functioning of the College shall be subject to any directions given by Hon'ble Mr. Justice Kurian Joseph. Parties agree that they will abide by his directions as to participation in the meeting of the Board of Management and will cooperate with him in the interest of smooth functioning of the College.

5. Hon'ble Mr. Justice Kurian Joseph is requested to indicate his fees for this purpose to counsel for the parties, which will be paid from the funds of the College. Needless to say, the College will also make necessary arrangements and render the required assistance for the discharge of his functions.

6. The application is disposed of.



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I.A. 10365/2019(under Section 151 of the CPC for directions)

1. This application concerns the operation of the bank accounts of the College. By an order dated 04.04.2019, this Court had directed that any cheques issued from the accounts of the College shall be counter-signed by Dr.George Abraham, Principal of the College in addition to the existing signatories. In view of the order made above in IA No. 4860/2019, parties agree that further directions in this regard may be left to the discretion of Hon'ble Mr. Justice Kurian Joseph, and they shall abide by the same.
2. The order dated 04.04.2019 shall continue subject to any further directions of Hon'ble Mr. Justice Kurian Joseph.
3. The application is disposed of.

I.A. 8971/2019(under Section 151 of the CPC for directions)

1. This application by defendant no.1 concerns the status of Dr.George Abraham as the Principal of the College. By an order dated 08.07.2019, this Court had granted an interim order that Dr.George Abraham would continue as the Principal of the College.
2. In view of the order made above in IA No. 4860/2019, parties agree that if they wish to have any modification of this arrangement, until the reconstitution of the Board of Management of the College, they will approach Hon'ble Mr. Justice Kurian Joseph for the same and shall abide by his directions with regard to the interim arrangements.
3. The order dated 08.07.2019 shall continue subject to any arrangements directed by Hon'ble Mr. Justice Kurian Joseph in this regard.

CS(OS) 148/2018

Page 3 of 4



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4. The application is disposed of.

I.A. 16626/2018 (under Order XXXIX Rules 1 and 2 of the CPC)

1. The newly impleaded Defendant nos. 5 to 7 may file an affidavit in response to this application within two weeks. Rejoinder, thereto, may be filed within one week thereafter.

2. List on 02.12.2019.

I.A. 10373/2018 (under Order XXXIX Rules 1 and 2 of the CPC)

1. The newly impleaded Defendant nos. 5 to 7 may file an affidavit in response to this application within two weeks. Rejoinder, thereto, may be filed within one week thereafter.

2. List on 02.12.2019.

PRATEEK JALAN, J

SEPTEMBER 03, 2019

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