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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. P.I. Jose & Mr.Prashant K.Sharma,  
Advocates.  
Mr. Johns George, Advocate & Assistant  
to the Election Committee.

versus

**NATIONAL COUNCIL YMCAS OF INDIA** ..... Defendant

Through: Ms. Haripriya Padmanabhan,  
Mr.Puneet Jaiswal, Advocates for D-1.  
Mr. Ajit Pudussery & Mr.Ajeet Singh  
Verma, Advocates for D-2 & D-3.  
Mr. Manu Krishnan, Advocate for D-4.  
Mr. Ranjay N., Advocate for D-5 & D-6.  
Mr. Koshy John, Advocate for D-7.  
Ms. Saumya Kaul, Advocate for applicant  
in I.A. 2312/2020.  
Mr.Rahul Mehra, Standing Counsel  
(Criminal), GNCTD with Mr.Chaitanya  
Gosain & Mr.Anand Thumbayil, Advocates  
with SI. Sandeep Kumar Ahlawat, PS  
Connaught Place.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

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**18.02.2020**

**I.A. 1861/2020(exemption)**

Exemption allowed, subject to all just exceptions.

The application is disposed of.



**I.A. 1273/2020***(Application by defendant No.1 to take the complaint dated 09.12.2019 lodged before SHO, Connaught Place on record.)*

Mr. Rahul Mehra, learned Standing Counsel (Criminal), GNCTD, Delhi, has appeared and submits that with respect to the FIR lodged by the applicant, the entirety of the transaction took place in Chennai, and the investigation would therefore have to be carried out by the police authorities in Chennai. Ms. Haripriya Padmanabhan, learned counsel for the applicant, seeks time to take instructions.

List on 13.05.2020.

**I.A. 16626/2018** *(Application on behalf of the plaintiffs under Order XXXIX Rules 1 & 2)* & **I.A. 1860/2020** *(Application on behalf of defendant no.2 under Order XXXIX Rules 1 & 2)*

1. These two applications concern the eligibility of the applicants to participate in the elections to the National Executive of the National YMCA, scheduled to be held on 21.02.2020.

2. By the order dated 19.07.2019, an Election Committee was appointed consisting of Hon'ble Mr. Justice Kurian Joseph, Former Judge of the Supreme Court, and Sister Nirmalini, Member, Mumbai Archdiocesan Pastoral Council. It was also directed that the entire election process would be supervised, managed and administered by the Election Committee. While disposing of the appeal against the judgment dated 19.07.2019 in [FAO(OS) 194/2019], the Division Bench has, by its order dated 11.12.2019, reiterated this direction, although the judgment has been modified in certain other respects. The clarificatory order of the Division Bench dated 09.01.2020 also directs that further steps of constituting the National Board and conducting the election of the



National Executive will be on the basis of the new list prepared by the Election Committee.

3. Learned counsel for the applicant and all appearing parties submit that the issue of entitlement to participate in the elections may be referred to the Election Committee for decision.

4. In view of the above, the Election Committee is requested to consider the question raised in these applications, and pass appropriate directions. In view of the short time left for the election, any party wishing to make a submission to the Election Committee in this regard may forward the same to Mr. Johns George, Advocate, who is assisting the Election Committee, by 5:00 pm today. The Election Committee may decide a convenient way of disposing of the applications, either on the written representation of the parties, or by holding a hearing, whether in person or telephonically. Learned counsel for the parties assure the Court that they will cooperate with the Election Committee and make the necessary arrangements in this regard.

5. List these applications on 13.05.2020.

**I.A. 2312/2020**(Application u/s 151 CPC on behalf of YMCA Kozhuvalloor, YMCA Tirur and YMCA Muttom for appropriate directions.)

1. This application has been filed by three YMCAs raising the grievance that they have been excluded from the list of good standing YMCAs, which are eligible to participate in the elections to the National Executive, scheduled for 21.02.2020.

2. Learned counsel for the applicants submits that the judgment of this Court dated 19.07.2019 had approved a list of 343 YMCAs. However, the Election Committee constituted by the said judgment was



empowered to publish the final list of good standing members in terms of the judgment. The draft list was published by the National Committee on 30.11.2019, and the final list was published on 10.01.2020. Learned counsel states that pursuant to the said publication, the applicant-YMCAs have made representations to the Election Committee.

3. The judgment dated 19.07.2019 was carried in appeal in FAO(OS) 194/2020. The order of the Division Bench dated 09.01.2020, records as follows:-

*“2. Having heard the learned counsel for the parties, the Court clarifies that the further steps of constituting the National Board and conducting elections to the posts in the National Executive will be on the basis of the new list prepared by the Election Committee. It is also clarified that the terms of the National Board and National Executive will be in terms of the Memorandum of Association of the NYCI.”*

4. The present application has been filed only on 14.02.2020, when the election is scheduled on 21.02.2020. The draft list of good standing YMCAs was published by the Election Committee on 30.11.2019 and the final list on 10.01.2020. In these circumstances, and particularly view of the order of the Division Bench to the effect that the election will be on the basis of the new list published by the Election Committee, no relief can be granted in this application, other than to request the Election Committee to communicate the reasons for disqualification to the applicants, if a decision has already been taken in this regard. In the event the Election Committee finds any merit in the representation of the applicant/YMCAs, this order will not come in the way of the Election Committee passing appropriate directions.



5. The application is disposed of.
6. A copy of the order be given *dasti* under the signature of the Court Master to the counsel for the parties, and to Mr. Johns George, Advocate.

**CS(OS) 148/2018, I.A. 4738/2018, I.A. 10373/2018, I.A. 665/2019, I.A. 1894/2019, I.A. 11557/2019**

List alongwith pending applications on 13.05.2020.

**PRATEEK JALAN, J**

**FEBRUARY 18, 2020**

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