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

+ I.A. 1273/2020, I.A. 5047/2020, I.A. 8491/2020 in
CS(OS) 148/2018

THE YOUNG MENS CHRISTIAN ASSOCIATION OF
ERNAKULAM & ORS Plaintiffs

Through: Mr.P.I.Jose, Adv.

versus

NATIONAL COUNCIL YMCAS OF INDIA Defendant

Through: Ms. Haripriya Padmanabhan, Mr.
Puneet Jaiswal and Mr. Shrutanjaya Bharadwaj,
Advs. for D-1

Mr. S. Nagamuthu, Sr. Adv. assisted by Mr.
Kishore Kumar, Adv. for D- 8 & D-10

Mr. G. S. Balamurugan, Adv. for D-11

Mr. Purvesh Buttan, Adv. for D-12

Mr. Rahul Mehra, Standing Counsel (Criminal),
GNCTD with Mr. Chaitanya Gosain, Adv. with
Insp. Inder Kumar Jha and SI. Rahul Singh, PS
Connaught Place

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

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24.11.2020

(Video-Conferencing)

I.A. 1273/2020 (U/S 151 of CPC) in CS(OS) 148/2018

1. By this application, Defendant No.1 in the present Suit, CS (OS) 148/2018 prays that the complaint, dated 9th December, 2019, lodged before the SHO, Connaught Place, New Delhi, be taken on record and

CS (OS) 148/2018

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appropriate directions be issued to the Delhi Police for registration of an FIR and investigation into the allegations contained in the complaint, as well as to submit a status report to this Court from time to time. Pursuant to the order passed on the last date of hearing, a status report dated 28th October, 2020 has been filed by the SHO, PS Connaught Place. The report sets out the allegations in the complaint as well as the action taken by the police authorities thereafter and further states, in para 10, that, during the course of inquiry into the complaint, it was found that all transactions, relating to the complaint, had taken place at Chennai. The institution, in respect of which the alleged siphoning of funds had taken place, namely the YMCA College of Physical Education is also located at Chennai. As such, the status report states that the complaint was transferred to the police authorities at Chennai, for further necessary action on 6th March, 2020.

2. In view thereof, the authorities at PS Connaught Place are no longer *in seisin* of the complaint of the first defendant; ergo, no directions can be issued to the said police authorities.

3. However, the defendant would be at liberty to pursue the matter with the police authorities in Chennai, to whom the complaint stands transferred on 6th March, 2020.

4. Ms. Haripriya Padmanabhan submits that even after transfer of the matter to the police authorities at Chennai, nothing has happened, and that the Chennai police authorities are not proceeding with the matter.



The submission is recorded.

5. With the aforesaid observations, this application stands disposed.

I.A. 4957/2020 (for stay) in CS(OS) 148/2018

1. Neither the reply of Defendant No. 11, to this application, nor the rejoinder to the said reply, are forthcoming on the record, though Mr. G.S. Balamurugan who appears on behalf of Defendant No. 11 submits that these documents stand filed.

2. Learned Counsel for the applicant and for Defendant No. 11 are directed to coordinate with the Registry and ensure that the reply of Defendant No. 11 and the rejoinder thereto by the applicant are placed on record before the next date of hearing.

3. Mr. Purvesh Buttan submits, on instructions, that his client has been served with notice in this application only three days back, around 21st November, 2020 and that, therefore, he was able to instruct him only last evening.

4. The Registry would verify the above statement, *qua* service on Defendant No. 12 and place a report, on record, as to whether the said defendant was in fact served only on or around 21st November, 2020.

5. Subject to such verification of the submission made by Mr. Buttan, the said defendant is permitted to file a reply to this application within a



period of three weeks with advance copy to learned Counsel for the applicant who may file rejoinder thereto, if any, within one week thereof.

6. Renotify this application on 8th February, 2021.

I.A. 5047/2020 (U/O 6 Rule 17 of CPC) in CS(OS) 148/2018

1. Mr. G.S. Balamurugan for Defendant No. 11 and Mr. Purvesh Buttan for Defendant No. 12 seek and are granted a final and further opportunity of three weeks to file a reply to this application with advance copy to learned Counsel for the applicant who may file rejoinder thereto, if any, within one week thereof.

2. Renotify the application for hearing and disposal on 8th February, 2021.

I.A. 8491/2020 (U/O 39 Rule 2A of CPC) in CS(OS) 148/2018

1. Replies, to this application, by Defendant Nos. 8 and 9, who are the only defendants contesting this application are on record.

2. Ms. Haripriya Padmanabhan submits that her client has filed a rejoinder to the said replies. However, the rejoinder is not on record.

3. Ms. Padmanabhan is directed to coordinate with the Registry and ensure that the rejoinder is placed on record before the next date of



hearing.

4. List this application for hearing and disposal on 8th February, 2021.
5. The Court Master is directed to e-mail, to all learned Counsel who are appearing in this matter, the entire record of this case, during the course of the day, as the record is voluminous and the applications filed in this matter themselves run into 15 volumes. This would greatly facilitate reference, by learned Counsel, to the applications and the responses, etc, with which they are concerned.

C.HARI SHANKAR, J

NOVEMBER 24, 2020/kr