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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, Advs.

versus

NATIONAL COUNCIL YMCAS
OF INDIA & ORS. Defendants

Through Mr. Manish Sharma and Mr.
Puneet Jaiswal, Advs. for Defendant 1
Mr. Kishore Kumaar, Adv. for Defendants 8,
9 and 10
Mr. Purvesh Buttan Adv for Defendant 12

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER

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10.02.2022

(By video conference on account of COVID-19)

I.A. 2297/2022 (Order XXXIX Rule 2a CPC for disobedience)

1. This application, at the instance of the plaintiffs, alleges contumacious disobedience of the directions, in the order dated 19th July, 2018, passed by this Court in IA 4738/2018, to Defendant 1 to maintain *status quo* with respect to the immovable properties under its management/administration.

2. The application alleges that, in violation of the said order, one Mr. Birol Basumatary, Regional Secretary has executed a Sale Deed in respect of one of the properties, which is under the
CS(OS) 148/2018

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management/administration of Defendant 1, and that the property has been sold to Mr. Raju Swargiary, who has been impleaded as Respondent 2 in this application.

3. The averments in the application make out a case for issuance of notice against alleged Contemnors 1 and 2. However, in the opinion of the Court, the Treasurer, National General Secretary and the President of Defendant 1 have been unnecessarily impleaded in this application. As such, the Court is directing issuance of notice, in this application, only to Mr. Birol Basumatary and Mr. Raju Swargiary. The plaintiffs are directed to place on record a memo of parties, specifically impleading Mr. Birol Basumatary and Mr. Raju Swargiary as the respondents in this application.

4. Let the needful be done within a week from today.

5. Issue notice to Mr. Birol Basumatary and Mr. Raju Swargiary at the addresses provided in para 2 of the present application to respond to the present application.

6. Reply, if any, be filed within a period of four weeks from today, with advance copy to learned counsel for the applicants/plaintiffs, who may file rejoinder thereto, if any, before the next date of hearing.

7. Mr. Birol Basumatary is directed to file, with his reply to the present application, relevant documents including the authorization under which he entered into the Sale Deed in respect of the aforesaid



property.

8. Renotify on 5th May, 2022.

I.A. 2101/2022 (Section 151 CPC for exemption)

9. Allowed, subject to all just exceptions.

10. The application is disposed of.

I.A. 2100/2022 (Section 151 CPC for taking on record documents)

11. This is an application by Defendant 1 to place on record certain documents. Learned Counsel for the plaintiffs has no objection.

12. The application is allowed. Documents are taken on record.

CS(OS) 148/2018, I.A. 9047/2021 (Stay), I.A. 10314/2021 (Order XXVI Rule 2a CPC), I.A. 11120/2021 (for deletion of name) and I.A. 13566/2021 (Order XXXIX Rule 2a CPC)

13. Renotify on 18th February, 2022.

14. Mr. Manish Sharma, learned Counsel for Defendant 1, submits that he would place on record a short note of two to three pages, identifying the pending applications in the present proceedings as well as the status thereof, so that this Court could proceed with this matter, which is otherwise becoming unwieldy, at least 48 hours in advance of the next date of hearing. Additionally, a copy of note may be emailed



to the Court Master after exchanging with learned Counsel with all other parties.

C. HARI SHANKAR, J

FEBRUARY 10, 2022

r.bararia