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**IN THE HIGH COURT OF DELHI AT NEW DELHI**  
**CS(OS) 197/2018**  
**RAFFLES DESIGN INTERNATIONAL INDIA PVT. LTD.**  
..... Plaintiff

Through Ms. Vasudha Sharma, Adv.

versus

**THE CHAIRMAN AND PRESIDENT, JAI RADHA RAMAN**  
**EDUCATION SOCIETY**

..... Defendant

Through Ms. Anshuia Laroiya, Adv. for  
proposed applicant.

**CORAM:**

**SANJAY JINDAL (DHJS), JOINT REGISTRAR (JUDICIAL)**

**ORDER**

% 03.12.2018

**IA No. 11481/2018 u/O I R 10 (2) filed on behalf of applicant Mr. Shantnu Prakash for his impleadment as defendnat no. 2 in array of parties.**

Pleadings are complete.

Arguments heard.

I have carefully perused the record in light of submissions made before me.

Brief facts necessary for disposal of this application are that the plaintiff has filed a suit for recovery of Rs. 5,39,82,435/- against the defendant with certain averments. The plaintiff is a company while the defendant is a society established under the Society Registration Act 1860 and is impleaded through the Chairman and President.

The applicant has filed the present application claiming to be

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the President of defendant society. It is averred that the plaintiff has levelled several allegations in the plaint, solely against the applicant in his personal capacity and that in order to appropriately and comprehensively respond to the allegations, it is necessary that the applicant being the President of the defendant society be impleaded in the present case.

The application is opposed by the plaintiff and a reply has been filed. It is argued that the defendant society is a legal entity and recovery has been sought only from the society and not from its office bearer in their personal capacity, so, the applicant is not a necessary or proper party to the present suit. Learned counsel for plaintiff has relied upon the judgment of Hon'ble Delhi High Court in *Tristar Consultant Vs. M/s VCustomer Services India Pvt. Ltd. & Anr.* ILR(2007) I Delhi 1053 & judgment of Hon'ble High Court of Kerala in *P.N. Prem Kumar Vs. Sree Narayan Bhaktha Paripalana Yogam* 2018 SCC Online Ker. 493 in support of her contentions.

On careful perusal of record, it is clear that the suit claim is against the defendant society i.e Jai Radha Raman Education Society which has been impleaded through its Chairman and President. Though there is reference to name of the applicant and his alleged role in the alleged transaction/dealings but the grievance of the plaintiff is against the society and not against any individual. The suit amount is sought to be recovered from the society in clear terms and not from the office bearers either independently or jointly and

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severely. Undisputedly, the defendant society is a society established under the Societies Registration Act 1860 having its memorandum of association, Rules and Regulations, which makes it a separate legal entity and it can sue and be sued in its own name. The case of the plaintiff is specific, categorical and complete against the defendant society leaving no room for the individual involvement of the applicant either in the capacity of a proper party or as a necessary party.

Simply because the name of the applicant is appearing in certain paragraphs of the plaint and certain role is assigned to him, it cannot be said that the presence of the applicant is required for just disposal of this case. Otherwise also, the plaintiff is master of its suit and has a right to choose its opponents. If the plaintiff chooses to omit a necessary party in a suit, it has to face the consequences as per law.

It is clear from the record that neither the applicant is a person without whom no effective order can be passed in the suit nor he is a person whose presence is otherwise necessary for a complete and final decision on the question involved. So, in view of above discussion, I am of the considered view that the applicant is neither a necessary nor a proper party to the present suit.

Hence, with these observations the application is found to be devoid of merits and same is accordingly dismissed.

IA stands disposed of.

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No written statement has been filed by defendant and their right to file written statement stands closed by operation of law as observed in order dated 12.09.2018. No one is appearing on behalf of defendant from since several dates.

In these circumstances, let the matter be placed before the Hon'ble Court for further directions on 12.12.2018.

**SANJAY JINDAL (DHJS)**  
**JOINT REGISTRAR (JUDICIAL)**

**DECEMBER 03, 2018/pk**