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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 Through Ms.Anshula Laroia and

Ms.Bani Dikshit, Advs. for the appellant in OA

No. 6/2019.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

27.02.2019

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OA No. 6/2019

1. This appeal is filed seeking to impugn the order dated 03.12.2018.
2. The accompanying suit is filed for recovery of Rs. 5,39,82,435/-. The defendant is a Society registered under the Societies Registration Act. The application was filed by the appellant claiming to be the President of the defendant Society. It was averred that there are several allegations in the plaint solely against the appellant in his personal capacity and that in order to appropriately and comprehensibly respond to the allegations made in the plaint, it would be necessary that the appellant being the President of the defendant Society is impleaded in the present case.



3. Learned Joint Registrar vide impugned order concluded that the suit claim is against the defendant Society and the relief is also claimed against the defendant Society only. Accordingly, the learned Joint Registrar holding that the appellant is neither a necessary nor a proper party dismissed the application.

4. No doubt it is true that the suit is filed against the defendant Society only and the President/appellant would neither be necessary nor a proper party.

5. Learned counsel for the appellant however states that here, the case is a little different inasmuch as there are disputes within the defendant Society as to who will represent the defendant Society. It is on this account that a connected suit being CS(OS) 655/2017 has been listed in court today. Learned counsel for the appellant further points out that the Chairman of the Raffles Group and the Chairman of the defendant Society are the same, namely, Mr. Hua Seng Chew.

6. In my opinion, the defendant Society cannot be left unrepresented and undefended. It is also a matter of fact that no written statement has been filed on behalf of the defendant. In fact on 03.12.2018, the learned Joint Registrar noted that no written statement has been filed by the defendant and closed the right of the defendant to file the written statement. It would be appropriate that an interim arrangement be made so that the defendant Society is able to put up an appropriate defence to the suit filed by the plaintiff.

7. I accordingly allow the appellant to represent the defendant Society for defending the present proceedings. This is an interim temporary arrangement subject to modification and change that the court may make at



a later stage. It is made clear that this order is made solely to ensure that the interest of the defendant does not go unrepresented in the present suit.

8. I may note that in the connected suit being CS(OS) 655/2017, an application IA No. 14509/2017 is pending for appointment of an Administrator.

9. It is necessary that till this application is heard and disposed of, the defendant does not go unrepresented in the present suit.

10. It is ordered accordingly. The appeal stands disposed of.

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11. List on 31.07.2019.

JAYANT NATH, J

FEBRUARY 27, 2019

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