

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 5376 OF 2009

LAKSHMI SHANKAR AWASTHI

Appellant (s)

VERSUS

ADMINISTRATOR, BOARD OF TRUSTEES & ORS.

Respondent(s)

(With appln(s) for early hearing,permission to file additional documents and office report)

WITH Civil Appeal NO. 5801 of 2009
(With office report)

Date: 17/03/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Appellant(s)

Mr. S.R. Singh, Sr.Adv.
Mr. Bimal Roy Jad,Adv.
Mr. Ankur Yadav, adv.
Mr. Sushant K. Yadav, Adv.
Mr. Ujjawal Pandey, Adv.
Mr. Pradeep K. Dwivedi, Adv.

For Respondent(s)

Mr. Abhisth Kumar,Adv.

Mr. R.P. Bhatt, Sr.adv.
Mr. Navin Prakash, Adv.

UPON hearing counsel the Court made the following
O R D E R

The appeals are dismissed in terms of the signed order.

(Sukhbir Paul Kaur)
Court Master

(Renuka Sadana)
Court Master

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5376 OF 2009

LAXMI SHANKAR AWASTHI

...APPELLANT

VERSUS

ADMINISTRATOR/BOARD OF TRUESTEES & ORS.

...RESPONDENTS

WITH
CIVIL APPEAL NO. 5801 OF 2009

PRADEEP KUMAR AWASTHI & ORS. ...APPELLANTS

VERSUS

ADMINISTRATOR/BOARD OF TRUSTEES & ORS. ...RESPONDENTS

O R D E R

The dispute between the parties centres around the election of office bearers/board of trustees of the Kanyakubja Education Trust, Kanpur held on 7th June, 2003. Obviously, no cause as such survives at this point of time necessitating any adjudication. The appeals accordingly rendered themselves as practically infructuous.

That so far as enrolment of 15 persons as members in the Society is concerned, the Division Bench, on the facts and in the circumstances of the case found that the enrolment of the said persons as members was only with a specific purpose of influencing the result of the election of the office bearers of the Society. The persons so enrolled are

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kith and kin of one or the other outgoing office bearers who were in the fray seeking their re-election. It is for that reason, the Division Bench found no error in the order of the Additional District Magistrate. In such view of the matter, we are of the opinion that the case on hand is not a fit case requiring interference of this Court in exercise of its jurisdiction under Article 136 of the Constitution of India.

However, we make it clear that the question of law if any, as to whether the near relations of the office bearers are ineligible to be enrolled as members of the Society, is left open.

The appeals are accordingly dismissed.

.....J.

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(B. SUDERSHAN REDDY)

NEW DELHI,
.....J.
MARCH 17, 2011

.....
(SURINDER SINGH NIJJAR)