

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).16030/2006

(From the impugned final order dated 23/05/2006 in CR No. 2119/2006 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

SARASWATI EDUCANL.FOUNDATION TRUST& ORS

Petitioner(s)

VERSUS

RAJIV BHATNAGAR & ORS

Respondent(s)

(With prayer for interim relief )

Date: 09/10/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Petitioner(s)

Mr.Arun Jaitley, Sr.Adv.

Mr. Maninder Singh,Adv.

Mr. Gaurav Sharma, Adv.

Mr. Abhinav Mukherjee, Adv.

Mr. Tejveer Bhatia, Adv.

Mr. Tanubhav Singh, Adv.

For Respondent(s)

Dr. A.M.Singhvi, Sr.Adv.

Ms. Malini Sud, Adv.

Mr. Achintya Dwivedi, Adv.

Mr. Umesh Kumar Khaitan,Adv.

For Respondent

Mr. M.L.Verma, Sr.Adv.

No.7 & 8

Mr. Devendra Singh, Adv.

Mr. Ghanshyam, Adv.

UPON hearing counsel the Court made the following

O R D E R

Special Leave granted.

The appeal is disposed of in terms of the signed order.

(Sukhbir Paul Kaur)

(Vijay Dhawan)

Court Master

Court Master

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.... OF 2006

(Arising out of SLP(C) No.16030 of 2006)

Saraswati Educanl.Foundation Trust & Ors.  
t(s)

...Appellan

Versus

Rajiv Bhatnagar & Ors.  
nt(s)

...Responde

O R D E R

We have Heard learned counsel for the parties and also p  
erused the

impugned order passed by the High Court.

Special Leave granted.

Counsel for the appellant submits that the order passed by the High

Court is not a consent order but the Hon'ble Judge passed the order only with a view to provide a workable solution by way of an adhoc arrangement.

We notice that the order which has been passed in effect nullifies the

effect of the order which was challenged before the High Court whereby two of the members of the Board of Trustees were not permitted to act as Trustees in view of their removal pursuant to a resolution of the Trust.

However, we need not consider this aspect of the matter on merit in view of the order we propose to pass. Since the High Court has not recorded any finding justifying the setting aside the order passed by the Appellate Court, we

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remit the matter to the High Court to rehear the matter and pass an order in

accordance with law. It will be open to the parties to urge all contentions before the High Court.

Having regard to the urgency of the matter, we request the High Court

to dispose of the matter within two months since it involves the functioning of a

Trust. We, therefore, direct the parties to appear before the High Court on 30th

October, 2006 when the High Court may pass appropriate directions. The interim

arrangement made by the High Court may continue till the High Court passes

another order, but during this period the Trustee shall only carry out  
duties of

routine nature concerning day to day management of the Trust.

This appeal is accordingly disposed of.

.....J.

( B.P.SI

NGH)

.....J.

.....

( TARUN CHAT

TERJEE)

New Delhi,

October 9, 2006.