

प्रशांत शर्मा
PRASHANT SHARMA
वरिष्ठ न्यायाधीश (सिविल) एवं सहायक न्यायाधीश
Senior Civil Judge (Senior Rent Controller (Central))
कमरा नं-
Room No
तीस हजारी कोर्ट, दिल्ली
Tis Hazari Courts, Delhi

CS No.- 3023/17
Alumni Association Delhi College of Engineering
Vs.
Pramod Kumar & Ors.

24.05.2018

Present: Sh. N.K. Sharma, Sh. Rakesh Bhatia, Sh. S.N. Sharma and
Sh. Javed, all members of Governing Body.
Sh. Praveen Bhargava, Returning Officer.
Sh. Rakesh Kr. Verma, Naib Tehsildar from Registrar of
Societies, 14, Darya Ganj, Delhi.

An application U/o 39 Rule 4 CPC for modification of order dated 01.05.2018, is moved by Sh. Rakesh Bhatia, present today. In the said application, after referring to the order dated 17.04.2018, it is stated that order dated 01.05.2018, vide which previous order dated 17.04.2018 was modified, should be recalled. Reference is made to Rule 4 (iv) of Memorandum of Association, where it is stated that then office bearers at the time of registration of MoA i.e. the President, Vice President, Secretary, Joint Secretary and Treasurer, will be the member of Managing Committee, throughout their life or till they resign. In the wake of said provision, the order dated 01.05.2018 vide which, it was directed that elections in question, shall be for 10 members of Governing Body as per Memorandum of Association, may be recalled and order dated 17.04.2018, be made effective as it was. It is also contended that on 01.05.2018, none of the parties who are appearing today, apart from Sh.Praveen Bhargava, were present. Sh. Praveen Bhargava present today submits that he could not apprise the Court clearly about his non-consent with regard to said order passed by this Court on 01.05.2018.



-: 2 :-

Submissions heard.

In the wake of aforesaid submissions and in view of the fact that on 01.05.2018 order was passed in the absence of plaintiffs, I find that interests of plaintiffs were prejudiced. Further, in order to remove confusion, amongst the concerned members, order dated 01.05.2018 stands reviewed. The net result is that, elections in question will take place in order of order dated 17.04.2018 only. This Court is apprised by the parties appearing today, that notification of election, has taken place in two newspapers. In the wake of this order, let, fresh notification be issued within four days from now in compliance of order dated 17.04.2018 only. The Returning Officers are directed to make necessary corrigendum, regarding change in the numbers of members of Governing Body to be elected only. Copy of this order is given dasti to the Returning Officers present today for apprising other Returning Officers and Observer.

Aforesaid order is made as I have found error apparent on the face of record in order dated 01.05.2018, which was that it was passed in the absence of the parties concerned.

Matter adjourned.

Put up for further proceedings on the date already fixed i.e.

21.08.2018



True copy
Prashant Sharma
24/5/18

Prashant Sharma

[Prashant Sharma]
SCJ-cum-RC: Central District:
Delhi: 24.05.2018

वरिष्ठ दीवानी न्यायाधीश एवं किराया नियंत्रक
Senior Civil Judge/Rent Controller (Central)
दिल्ली
Delhi