

Dr. Anand Mohan Lal

IN THE COURT OF SENIOR CIVIL JUDGE DELHI

SUIT NO. *465*

RECORDED
10
द्वि रुपये
TEN RUPEES

2
द्वि रुपये
TWO RUPEES
2
द्वि रुपये
TWO RUPEES

All India Panchayat Parishad,
Panchayat Dham,
Mayur Vihar,
Delhi-110091.

Through: Rajendra Kumar Tripathi,
General Secretary, All India Panchayat Parishad.

859/12
19/3/03
RECORDED

Plaintiff

6876
810

VERSUS

12/5/07
12-74/207
31-1-12

2/1

1. Kishor Tavat,
Gujarat Rajya Panchayat Parishad,
Gandhi Nagar, Ahmedabad,
Also to be served at
Gujarat Bhawan,
Chankyapuri,
New Delhi-1.

Number of the Plaintiff
Number of the defendant

Sec Civil Judge, Delhi

2. Ashok Tiwari,
Room No. 7-8,
Panchayat Dham,
Mayur Vihar,
Phase-1,
Delhi-110 091.

6-2
6876
29/3/03
8/4/03
and for service
4557

3. Divakar Dubey,
Staff Quarter,
Panchayat Dham,
Mayur Vihar,
Phase-1
Delhi-110 091.

Defendants

SUIT FOR PERMANENT INJUNCTION

MOST RESPECTFULLY SHOWETH:

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1. That the plaintiff is a society registered under The Societies Registration Act, 1860 as applicable to Delhi and as amended by Punjab Amendment Act having its registered office at Panchayat Dham, Mayur Vihar Phase-1, New Delhi.

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14/10/2012

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IN THE COURT OF SH. ANSHUL MEHTA: CIVIL JUDGE-
04: CENTRAL DISTRICT: TIS HAZARI COURT: NEW
DELHI

Case No. 94579/16
IN THE MATTER OF:-

All India Panchayat Parishad
Panchayat Dham
Mayur Vihar
Delhi-110091
Through: Rajendra Kumar Tripathi
General Secretary, All India Panchayat
Parishad

Plaintiff.

Versus

1. Kishor Tavlad
Gujrat Rajya Panchayat Parishad
Gandhi Nagar, Ahmedabad

Also to be served at
Gujarat Bhawan
Chanakyapur
New Delhi-1.

2. Ashok Tiwari
Room No. 7-8
Panchayat Dham
Mayur Vihar
Phase-I, Delhi-110091.

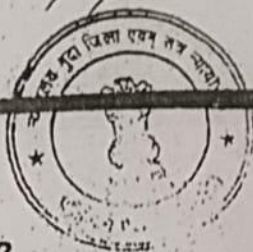
3. Divakar Dubey
Staff Quarter
Panchayat Dham
Mayur Vihar, Phase-I
Delhi-110091.

Defendants

Case No. 94579/16
All India Panchayat Parishad Vs. Kishor Tavlad
Judgment dated 17.09.2019

Page no. 1 of 7

प्रमाणित
8
14/10/2019
दिनांक



Date of filing : 01.07.2002
Date of Institution : 02.07.2002
Date of pronouncing Judgment : 17.09.2019

SUIT FOR PERMANENT INJUNCTION

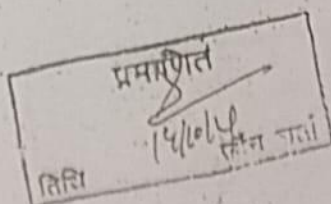
JUDGMENT

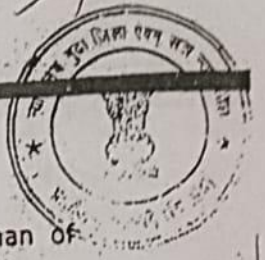
Vide this judgment, I shall dispose off the present suit filed by the plaintiff for permanent Injunction. The brief facts, of the present case are as follows:-

1. The plaintiff is a Society registered under Societies Registration Act, 1860 and is engaged in propagating Panchayat Raj and to bring Panchayat Raj Institutions from the Village level, District level on one platform for the purpose of cooperation among themselves. Plaintiff has its own constitution and rules framed thereunder. As per the said rules, the Executive Council consists of 31 members and its tenure will be of 5 years. As per Article 4(7) of the Constitution, the members of General Council/body elect one president/chairman and 10 members of the executive council. As per Article 5 (1) A, remaining 20 members of the Executive Council are to be appointed by President/Chairman.

Case No. 94579/16
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Judgment dated 17.09.2019

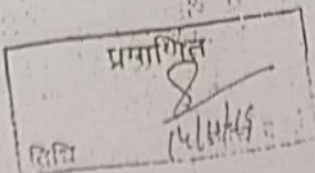
Page no. 2 of 7

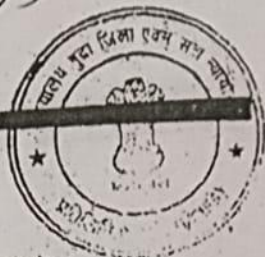




President/Chairman is also one of the Chairman of Executive Council. As per the Election rules, in case of any dispute regarding the election, the same is to be referred to the Election Tribunal within 30 days of declaration of results of the election.

2. On 15.04.1998, in a joint meeting of the Executive Council and General Council, the decision of the Election Tribunal that the election of one Sahdeo Chaudhary is illegal, was approved and in the same meeting, late Sh. J.N. Mandal was appointed as Chairman of the plaintiff as well as the the Chairman of the Executive Committee of the plaintiff. After the death of Sh. J.N. Mandal in March, 2002, in a meeting of General Body and the Executive Body on 26.03.2002, it was decided that the election of the Chairman of the plaintiff and the 10 members of the Executive Committee is to be held preferably by 31st May and in the same meeting Dr. Narender Singh Gautam was appointed as Election Officer and Sh. Amrendar Sharan was appointed as Head of Election Tribunal which comprises of 3 members. The said

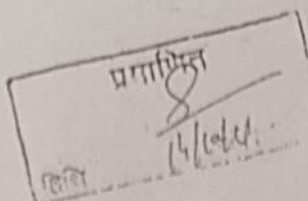




elections were held on 02.06.2002 and Sh. Lambodar Pathak was elected as President and 10 other members of the Executive Committee were also elected.

3. That the plaintiff received a copy of letter no. Rs. No. AIPP/8-7/2002 dt. 10.06.2002 addressed by defendant no.1 claiming himself to be working President of the Plaintiff Society and that he is convening a meeting on 03.07.2002 for appointment of Returning Officer for holding the election of Chairman and Executive Committee member of the plaintiff society. The defendant no.2 and 3 are also abating the said act.

4. In the light of above facts, the present suit is filed by the plaintiff seeking a decree of permanent injunction. An application U/s. 10 for stay of suit was allowed vide order dt. 21.08.2004 and the suit was adjourned sine-die. Application for revival of the suit was filed on 18.02.2014. The notice of application of revival of the present suit was served upon defendant no.3/respondent no.3 on 25.08.2014 and on



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defendant no.1 and 2/respondent no.1 and 2 vide order dt. 12.03.2015. However, despite service of the notice of the application for revival of the suit, no one appeared on behalf of the respondents/defendants and the suit was revived vide order dt. 22.09.2015. Since no one on behalf of the defendants appeared till May, 2019, all the defendants were proceeded exparte vide order dt. 10.05.2019.

5. W/S on behalf of the defendants was filed on 08.04.2003. On the basis of the pleadings the following issues are framed vide order dt. 10.05.2019:-

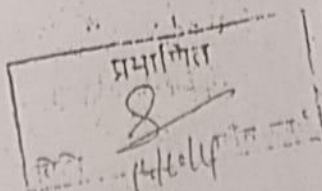
1) Whether the plaintiff has any locus standi to file the present suit in the present form? OPD 1, 2 & 3.

2) Whether the plaintiff is entitled to a decree for permanent injunction as prayed for? OPP

3) Relief.

Issue No.1:-

6. Onus to prove this issue was upon the



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defendants, however, defendants have failed to add any evidence. Therefore, this issue is decided in favour of the plaintiff and against the defendants.



Issue No.2:-

7. In order to prove this issue, the plaintiff examined Sh. Balmiki Prasad, President of the plaintiff Society who relied upon the following documents :

1. Register of societies is Ex.PW1/1 (Colly).
2. Resolution dated 25.5.2019 is Ex. PW1/2.
3. Constitution of the plaintiff is Ex.PW1/3.
4. Copy of the election rules and regulation is Ex.PW1/4.
5. Copy of proceedings held on 26.3.2002 is Ex.PW1/5.
6. Copy of letter dated 02.4.2002 is Ex.PW1/6 (colly).
7. Copy of letter dated 10.6.2002 is Ex.PW1/7.

8. PW-1 was not cross examined by the defendants. At the stage of final arguments also, no one turned up on behalf of the defendants.

9. I have heard ex-parte final arguments on behalf of the plaintiff. The defendants were proceeded ex-parte in this case. The evidence of PW-1 stands un rebutted and unchallenged as PW-1 was never cross-examined by the defendants. In view of the unchallenged testimony of PW-1 and on the basis of

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14/06/19

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material on record. It may be said that the plaintiff has been able to prove its case on the basis of preponderance of probabilities.

10. In view of the above, the present suit is decreed in favour of the plaintiff and against the defendants. Defendants are directed as follows:-
 - i) Not to represent themselves as Office Bearers of the plaintiff society,
 - ii) Not to use letter head, visiting card and Pad of the plaintiff Society,
 - iii) Not to convene any meeting in the name of All India Panchayat Parishad.
11. With these directions, the present suit is disposed of. Decree sheet be prepared accordingly.
12. File be consigned to Record Room after due compliance.

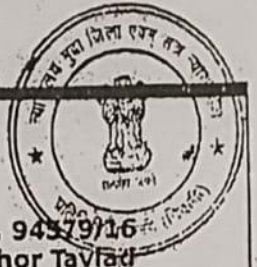
(Anshul Mehta)
CJ-04, Central, THC/Delhi

Announced in the open Court on this 17th day of September, 2019
This judgment consists of 7 signed pages.

Case No. 54579/16
All India Panchayat Parishad Vs. Kishor Tewari
Judgment dated 17.09.2019

कार्यालय पिला एम सत्र न्यायाधीश	Page no. 7 of 7
दिनांक	
प्रतिनिधि, शिवालय (किराया)	
प्रमाणित जीव प्रतिनिधि	
दिनांक	
गोपनीयता अतिरिक्त 1/7/22 एम	
आपने यह को सही से पढ़ लिया	

Annexure 4



C.S. No. 94579/16
All India Panchayat Parishad Vs. Kishor Tavlat

17.09.2019
Present: None.

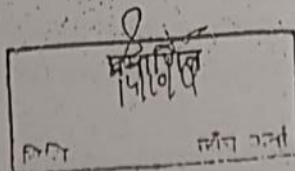
Vide separate judgment of even date announced in the open court, the present suit is decreed in favour of the plaintiff and against the defendants. Defendants are directed as follows:-

- i) Not to represent themselves as Office Bearers of the plaintiff society.
- ii) Not to use letter head, visiting card and Pad of the plaintiff Society.
- iii) Not to convene any meeting in the name of All India Panchayat Parishad.

With these directions, the present suit is disposed of. Decree sheet be prepared accordingly.

File be consigned to Record Room after due compliance.

(Anshul Mehta)
Civil Judge-04/THC/Delhi
17.09.2019



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अंशुल मेहता
 ANSHUL MEHTA
 दीवानी न्यायाधीश-04 (केंद्र), दिल्ली
 Civil Judge-04 (Central), Delhi
 कमरा नं. 127 A
 Room No. 127 A
 निल इजराती न्यायालय, दिल्ली
 The Muzari Courts, Delhi

DECREE SHEET

IN THE COURT OF SH. ANSHUL MEHTA: CIVIL JUDGE-04:
 CENTRAL DISTRICT: TIS HAZARI COURT: NEW DELHI

Case No. 94579/16
 IN THE MATTER OF:-

All India Panchayat Parishad
 Panchayat Dham
 Mayur Vihar
 Delhi-110091
 Through: Rajendra Kumar Tripathi
 General Secretary, All India Panchayat
 Parishad

Plaintiff.

Versus

1. Kishor Tavlad
 Gujrat Rajya Panchayat Parishad
 Gandhi Nagar, Ahmedabad

Also to be served at
 Gujarat Bhawan
 Chanakyapur
 New Delhi-1.

2. Ashok Tiwari
 Room No. 7-8
 Panchayat Dham
 Mayur Vihar
 Phase-I, Delhi-110091.

3. Divakar Dubey
 Staff Quarter
 Panchayat Dham
 Mayur Vihar, Phase-I
 Delhi-110091.

Defendants

Date of filing : 01.07.2002
 Date of Institution : 02.07.2002
 Date of pronouncing judgment : 17.09.2019

SUIT FOR PERMANENT INJUNCTION

The suit coming on this day for final disposal before me. It is

Civil Judge-04 (Central)
 Delhi

17/09/2019

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 तिथि 17/09/2019
 जॉन मार्ग



ordered that the suit is hereby decreed in favour of the plaintiff and against the defendants. Defendants are directed as follows:-

- i) Not to represent themselves as Office Bearers of the plaintiff society.
- ii) Not to use letter head, visiting card and Pad of the plaintiff Society.
- iii) Not to convene any meeting in the name of All India Panchayat Parishad.

Costs of the suit

Sl. No.	PLAINTIFF	Rs.	Sl. No.	DEFENDANT	Rs.
1.	Stamp for Plaint	Nil	1.	Stamp for Power	Nil
2.	Stamp for Power	Nil	2.	Stamp of Exhibits	Nil
3.	Stamp for Exhibits	Nil	3.	Stamp of Petition	Nil
4.	Pleader's fee on Rs.	Nil	4.	Pleader's fee on Rs.	Nil
5.	Subsistence for Witness	Nil	5.	Subsistence for Witness	Nil
6.	Commissioner's fee	Nil	6.	Commission's fee	Nil
7.	Service of Process	Nil	7.	Miscellaneous	Nil
8.	Miscellaneous	Nil			
	Total	Nil		Total	Nil

Given under my hand and seal of the Court on this day of 17th SEPTEMBER, 2019.

Civil Judge (Central)
Delhi

