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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(OS) 108/2022

VIVEK BHARAT RAM & ANR. .... Plaintiffs  
Through: Mr. Rajshekhar Rao, Sr. Adv. with  
Ms. Manmeet Kaur, Mr. Gurtejpal  
Singh, Mr. Siddharth Raval and Ms.  
Suditi Batra, Advs.

Versus

AJAY KUMAR SHARMA & ANR. .... Defendants  
Through: None.

**CORAM:**

**HON'BLE MS. JUSTICE ASHA MENON**

**ORDER**

% **24.02.2022**

**[VIA VIDEO CONFERENCING]**

**I.A. 3134/2022 (of plaintiffs under Section 92 r/w Section 151 CPC for leave to institute the present suit)**

1. This application has been moved for leave under Section 92 of the Code of Civil Procedure, 1908 ('CPC' in short) to file the instant suit with the following prayers as reproduced also in this application:

- a) *Pass a decree in favour of the Plaintiffs and against the Defendant removing Defendant from the Board of Trustees of Defendant No.2; and*
- b) *Pass a decree in favour of the Plaintiffs and against the Defendant No.1 in the nature of a permanent injunction restraining him from dealing with the assets of the Defendant No. 2 Trust as also from interfering with its affairs in any manner; and*
- c) *Pass a decree in favour of the Plaintiffs and against the*

*Defendant No.1 for permanent injunction restraining him from using the brand/name associated with the Defendant No.2 Trust in any manner whatsoever; and*

- d) Direct the Defendant Nos.1 to furnish details of all action taken by them in relation to the Trust and its movable and immovable assets including details of financial transaction entered into by them on behalf/name of Defendant No.2; and*
- e) Award costs of suit in favour of the Plaintiffs and against the Defendant No.1; and*
- f) Pass such other order(s) or direction(s) as this may be deemed just and proper in the facts and circumstances or the present case.”*

2. Mr. Rajshekhar Rao, learned senior counsel for the plaintiffs has drawn attention of this Court to the copy of the Trust Deed dated 23<sup>rd</sup> April, 2010 reflecting that the Trust, namely, the Shri Ram Education Trust is a public charitable trust. Attention has also been drawn to the Supplementary Trust Deed dated 29<sup>th</sup> July, 2011, whereunder the defendant No.1 has been made a trustee of Shri Ram Education Trust, also appointing him as the sole Principal and Managing Trustee vide the resolution passed at the meeting held on 16<sup>th</sup> May, 2011. The learned senior counsel has submitted that of late, the defendant No.1 has been misappropriating the name of the Trust in order to further his personal interests, particularly by creating organisations in the names of M/s Shri Ram Centennial Education Foundation, M/s Centennial Corporation Private Limited and M/s Centennial Education Private Limited.

3. It is further submitted by the learned senior counsel that it has come to the notice of the plaintiffs, who are the two other Trustees of the Shri

Ram Education Trust that the defendant No.1 has also been charging money for management, consultancy and for setting up schools using the names “Shri Ram” and “Bharat Ram” which are the family names of the plaintiffs.

4. In the light of all these activities directly harming the interests of the Shri Ram Education Trust, a public charitable trust and evidencing actual conflict of interest of the defendant No.1, the suit is sought to be filed to remove the defendant No.1 as a Trustee. Hence, the application.

5. Having heard the submissions and perused the material as aforementioned, without reflecting on the merits of the allegations, there appears sufficient ground to grant leave to institute the instant suit, and leave is accordingly granted.

6. The application stands disposed of.

**I.A. 3138/2022 (of plaintiffs under Section 149 r/w 151 CPC for extension of time/exemption for filing court fees )**

7. The learned counsel for the plaintiffs undertakes to file the court fee within one week. The application is disposed of granting a week’s time to file the court fees. However, if the court fees is not filed within the stipulated time, the Registry is directed to list the matter for appropriate orders.

8. The application stands disposed of.

**I.A. 3137/2022 (for exemption)**

9. Allowed, subject to just exceptions, and subject to filing of the legible copies of the documents filed by the plaintiffs within one week.

10. The application stands disposed of.

**I.A. 3136/2022 (of plaintiffs u/O VII R- 14 CPC for filing additional documents)**

11. For the reasons mentioned in the application, the same is allowed and the plaintiffs are permitted to file additional documents within four weeks.

12. The application stands disposed of.

**CS(OS) 108/2022 & I.A. 3135/2022 (of plaintiffs u/O XXXIX R-1&2 CPC for interim relief)**

13. The plaint be registered as a suit.

14. The suit has been filed under Section 92 of the CPC *inter alia* for declaration, seeking removal of defendant No.1 as a Trustee of defendant no.2 Trust along with permanent injunction.

15. Issue summons in the suit and notice in the application to the defendants by all permissible modes, returnable on the next date of hearing.

16. The summons shall indicate that the written statement(s) to the suit and reply to the application be filed by the defendants within thirty days from the date of receipt of the summons. The defendants shall also file the affidavit of admission/denial of the documents filed by the plaintiffs, failing which the written statement(s) shall not be taken on record.

17. The plaintiffs are at liberty to file replication(s) to the written statement(s) and rejoinder to the reply(ies) filed by the defendants within thirty days of the filing of the written statement(s)/reply(ies). The replication(s) shall be accompanied by the affidavit of admission/denial in respect of the documents filed by the defendants, failing which the replication(s) shall not be taken on record.

18. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the time lines.

19. Till the next date of hearing, it is directed that the defendant No.1 shall discharge his present functions as the Principal Trustee only with the

concurrence of the plaintiffs.

20. Provisions of Order XXXIX Rule 3 CPC be complied with.
21. List on 23<sup>rd</sup> March, 2022.
22. The order be uploaded on the website forthwith.

**ASHA MENON, J.**

**FEBRUARY 24, 2022**

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