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

% ***Date of Decision: 10<sup>th</sup> July, 2025***

+ CM(M) 1055/2025 & CM APPL. 34820-34821/2025  
DELHI KANNADA EDUCATION SOCIETY AND ORS

.....Petitioner

Through: Mr. Kanhaiya Singhal, Mr. Rahul  
Bhaskar and Mr. K. Gupta, Advocates.

versus

SHISHUPAL & ORS

.....Respondent

Through: Mr. Swapan Singhal, Advocate for  
Mr. Sameer Vashisht, Standing  
Counsel (Civil), GNCTD.  
Mr. Tarun Gulia, Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**J U D G M E N T (oral)**

1. The three respondents herein have filed a suit for declaration and seek setting aside the order of suspension dated 31.10.2024 passed by Delhi Kannada Education Society (defendant No.1).
2. Such suit is pending adjudication before learned Civil Judge.
3. Admittedly, defendant-Society was served with summons and consequent thereto, appeared before the learned Trial Court on 27.04.2024.
4. The Society was granted time to file written statement.
5. However, despite there being specific directions to the abovesaid effect and also extension of time granted on subsequent occasions i.e. on 02.08.2024 and 03.09.2024, the written statement was not filed.
6. Evidently, in the interregnum, as per the joint request made by the



parties, the matter was referred for Mediation on 03.09.2024.

7. According to plaintiffs, despite the fact that settlement took place before the learned Mediator, the defendants failed to even comply with the Mediation settlement terms.

8. It was in the abovesaid backdrop that on 21.12.2024, the Court was compelled to close their right to file written statement and their defence was also struck off.

9. When an application was moved under Order VIII Rule 1 read with Section 5 of Limitation Act, 1963 seeking permission to place on record the written statement, such application was also dismissed on 07.03.2025.

10. The defendants, then, filed a review application and even such review application has been dismissed.

11. Such orders are under challenge.

12. Learned counsel for respondents/plaintiffs has joined the proceedings through *video conferencing*.

13. There is interim relief in favour of the plaintiffs as the plaintiffs have been permitted to participate in *Annual General Meeting*, and there is also a direction by the learned Trial Court that no election would take place till further orders and such order continues to be in operation.

14. Quite clearly, the defendant-Society, itself, is to be blamed for its miseries.

15. For the reasons best known to them, they did not participate in the proceedings and despite the fact that there was settlement during the Mediation, they did not adhere to terms of such settlement, either.

16. Order dated 21.10.2024 passed by the learned Trial Court reads as under:-



*“ Matter is pending for awaiting mediation report. However, Ld. Counsel for defendant has submitted that matter has been settled before mediation on 19.10.2024 and four week time is needed for compliance of settlement.*

*At request, list on 21.12.2024.*

*Ld. Counsel for defendant has also submitted that no election will take place till NDOH.”*

.....

.....

*At 1.30 PM.*

*At this stage, Mediation settlement is received. Same is taken on record.”*

17. Thus, it is quite obvious that the learned counsel for defendant-Society appeared before the learned Trial Court and apprised the Court that the matter had been settled and, even, sought four weeks time to comply with the settlement terms. The Mediation settlement was also received by the learned Trial Court same day and was taken on record.

18. Learned counsel for defendant-Society himself appeared before the Court and undertook to comply with the terms of the settlement. Despite making such statement before the Court, they now seem to back out from the terms of settlement and now rather wants time to file written statement.

19. Importantly, no reason has been assigned to back out from such settlement. The settlement was voluntary and the President of the Society was signatory to the same.

20. Defendant Society was duly served way back in April, 2024 and if they had any real inclination and intention to contest the abovesaid suit, they should have filed written statement without any delay. No reason has been assigned as to why written statement was not filed promptly. This Court is mindful of the fact that parties were willing to explore possibility of amicable settlement and it did get settled also. But the subsequent conduct of petitioner



is not in good taste. If they had any reservation about ‘Mediation settlement’ it should have been apprised to the Court. On the other hand, they undertook to comply the same and sought time. There is no elucidation as to why they are taking a somersault. There is also nothing to suggest that the statement of their counsel was without instructions. No indulgence can be, thus, given to a party who attempts to blow hot and cold.

21. In such a peculiar background, this Court does not find any illegality and perversity in the impugned order.
22. Resultantly, the present petition is dismissed.
23. Pending applications are also disposed of in aforesaid terms.

**(MANOJ JAIN)**  
**JUDGE**

**JULY 10, 2025/ss/pb**