



2026:DHC:9395



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

% Date of Decision: 15.10.2026

CNR No. DLHC010435912026

+ **FAO 295/2026**

PARKASH CHANDER AGGARWAL & ORS. Appellants

Through: Mr. Ankur Chhibber, Senior
Advocate with Mr. Kanishk
Ahuja, Advocate

versus

DEEPAK KHULLAR & ANR. Respondents

Through: Mr. H. S. Phoolka, Senior
Advocate with Mr. Deepak
Vohra, Mr. Yuvv Wadhwa, Mr.
Kartik Goyal, and Ms. Surpreet
Kaur, Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT (ORAL)

CM APPL. 62555/2026 (permission to file lengthy synopsis)

1. Allowed, subject to all just exceptions.
2. The present application is disposed of in the above terms.

FAO 295/2026 & CM APPL. 62553/2026 (stay)

1. By way of the present appeal, the appellants seek to assail the order dated 11.07.2026 passed by the learned District Judge-05, West District, *Tis Hazari* Courts, in **CS DJ No. 55 of 2026**, whereby the application filed by the appellants under Order XL Rules 3 & 4 read with Section 151 CPC, seeking enforcement of the duties of the Court-appointed Receiver, came to be dismissed.



2026:DHC:9395



2. The appellants are defendant nos. 1, 2, and 4 before the Trial Court, while the respondents are plaintiff nos. 1 and 2. For convenience, the parties are hereinafter referred to by their status before this Court. Pertinently, during the pendency of the present appeal, appellant no. 3, who was declared elected as Secretary in the election held on 12.07.2026, has withdrawn his challenge to the impugned order, and the appeal is thus confined to appellant nos. 1 and 2.

3. The dispute pertains to the management of *Shri Shiv Mandir Sanatan Dharam Sabha (Regd.)*, Jaidev Park, Bhagwan Das Nagar, New Rohtak Road, New Delhi – 110026 (hereinafter “the Sabha”), a society registered under the Societies Registration Act, 1860. The Sabha runs a temple, a physiotherapy centre, and a school, namely *Shiv Mandir Saraswati Bal Vidyalaya*, in which approximately 600 students are studying. The appellants and the respondents represent two rival factions within the Sabha.

4. The respondents were the office bearers of the Sabha elected in July 2023, with respondent no. 1/Sh. Deepak Khullar as Secretary and respondent no. 2/Sh. Ravi Prakash Kharakia as President. Disputes thereafter arose between the parties regarding the holding of fresh elections, which led to more than one round of litigation. The appellants claim that they were elected as the new office bearers of the Sabha in elections held on 09.11.2025. The respondents deny that any elections were held on that date. They thereafter scheduled elections of their own for 04.01.2026, which were stayed vide order dated 26.12.2025 passed by the learned Civil Judge in **CS SCJ No.**



2026:DHC:9395



1949/2025, a suit filed by the appellants' side.

5. It was in this backdrop that the respondents instituted the underlying suit seeking, *inter alia*, a declaration that the elections held on 09.11.2025 are illegal, void, and *non est*, along with consequential injunctions. Along with the suit, the respondents moved applications under Order XXXIX Rules 1 & 2 CPC, Order XL Rule 1 CPC, and Order XXVI Rule 9 CPC.

6. The Trial Court decided the three applications by a common order dated 13.04.2026. It restrained both sides from discharging any functions as members of the Executive Committee, from interfering in the day-to-day management of the *Sabha* and the school, and from inducting any new member with effect from 17.01.2026. This restraint was to remain in force till the disposal of the suit or the declaration of the final result of the elections, whichever was earlier. The Trial Court also appointed a learned Principal District & Sessions Judge (Retd.) as Receiver for the limited purpose of conducting fresh elections of the *Sabha*. The members whose membership amount stood deposited in the bank account of the *Sabha* till 17.01.2026 were held eligible to vote, and the learned Receiver was directed to hand over the result of the elections to the Trial Court in a sealed cover, to be made public only upon its further directions.

7. Subsequently, *vide* order dated 23.05.2026 passed on an application by defendant nos. 1 to 11 under Order XXXIX Rule 4 CPC, the order dated 13.04.2026 was modified to the limited extent of expanding the category of persons eligible to vote. The respondents assailed the said order before this Court in **FAO No. 193/2026**, which



2026:DHC:9395



came to be dismissed as withdrawn on 14.10.2026.

8. During the course of the election process, the appellants objected before the learned Receiver to the inclusion of 13 persons in the list of voters. The learned Receiver, however, retained the said names in the final list of voters published on 22.06.2026. The appellants then moved the subject application under Order XL Rules 3 & 4 read with Section 151 CPC before the Trial Court, wherein, while conceding the eligibility of 2 out of the 13 persons, they alleged that the remaining 11 persons were neither original members of the *Sabha* nor had paid the membership amount in terms of the order dated 13.04.2026, and prayed as under:

- “a. allow the present application and pass the necessary orders/directions for enforcement of the duties of the Ld. Receiver, thereby striking out of the names of the 11 persons mentioned in the para no. 7 of this application (excluding Mr. Ravi Gupta- Serial No. 13 and Mr. Pawan Jain- Serial No. 229);*
- b. Restrain the Ld. Receiver from inducting any new members beyond those recognized by this Hon'ble Court in the present suit;*
- c. Pass necessary directions/orders for enforcement of the duties of the Ld. Receiver to supervise the payments of the salaries of the employees/staffs of the physiotherapy centre, honorarium of the priest, an electricity and other utility bills to the respective persons and the department for the previous month of June, 2026, under the signatures of the present authorised signatories of the Sabha and fixing an earliest date in this regard;*
- d. Confirm the order passed in the para c above to continue making the payment until the new Managing Committee (post the elections of 2026) is appointed and become the authorised signatory of the Sabha.*
- e. Pass such other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice.”*



2026:DHC:9395



9. The respondents opposed the subject application, contending, *inter alia*, that it was an attempt to stall the ongoing election process, that the 11 persons could not be removed from the list of voters without being made a party to the application or the suit or being heard, and that once the elections were declared, no previous member of the *Sabha* be permitted to sign any document or cheque in the name of the *Sabha*. *Vide* the impugned order dated 11.07.2026, the Trial Court dismissed the application, holding as under:

“... this Court is of the opinion that inclusion of the 11 names (challenged by applicants before this Court) by learned Receiver is prima facie reasonable and justified and cannot be ordered to be removed from the list of eligible voters. This Court is also of the opinion that any last minute change in the list of eligible voters would not only affect the ongoing election process but also create an unrest in the voters who are scheduled to vote on 12.07.2026. Such a course would be unwarranted in the given facts and circumstances.

*Accordingly, the application moved by D-1, D-2 & D-4/applicants seeking enforcement of duties of the Receiver including a direction for striking out of the names of 11 persons, is **dismissed** being not made out. The request for payment of salaries and utility bills shall be considered on the next dated already fixed in the main case i.e. 13.07.2026. The application stands disposed of accordingly.”*

Aggrieved by the same, the appellants have preferred the present appeal. Pertinently, the fresh elections have since been held under the supervision of the learned Receiver, and the respondents’ faction has been declared to be elected.

10. Learned Senior Counsel appearing for appellant nos. 1 & 2 submits that under the bye-laws of the *Sabha*, elections are to be held every year and the tenure of the Managing Committee is of 1 year. On this basis, it is submitted that since the elections have not been set



2026:DHC:9395



aside, the Managing Committee elected on 09.11.2025 continues to hold office till 09.11.2026. During the course of arguments, learned Senior Counsel, on instructions, did not press prayers (a) and (b) of the application *qua* the election held on 12.07.2026, with liberty to assail the same by way of independent proceedings, and confined the challenge to prayers (c) and (d) only, limiting the request to the Managing Committee elected on 09.11.2025 being permitted to manage the affairs of the *Sabha* till 09.11.2026. In the alternative, it was prayed that the learned Receiver be permitted to continue to look after the affairs of the *Sabha* till 09.11.2026.

11. *Per contra*, learned counsel for the respondents supports the impugned order and submits that the elections were conducted by the learned Receiver as per the directions of the Trial Court and the result of the same has been recorded by the Trial Court *vide* its order dated 18.07.2026. It was contended that the margin of votes between the candidates of the appellants and those of the respondents was more than 11, and therefore the inclusion of the 11 persons objected to could not have affected the outcome. It was further pointed out that the parties have been involved in multiple rounds of litigation, including **CS SCJ No. 1006/2024**, **CS SCJ No. 1440/2025**, and **CS SCJ No. 1949/2025**, apart from the present proceedings.

12. I have heard the learned counsels for the parties and gone through the record.

13. The appellants have not pressed prayers (a) and (b) of the subject application before this Court, *vide* which they had sought the striking out of the names of the 11 persons who, as per the appellants,



2026:DHC:9395



were neither original members of the *Sabha* nor had paid the membership amount in terms of the order dated 13.04.2026, and a restraint upon the induction of new members. The said 11 persons are not before this Court, and the Trial Court's order dated 18.07.2026, whereby the result came to be recorded, is now sought to be assailed independently. It also cannot be lost sight of that the validity of the elections held on 09.11.2025 is the very subject matter of the pending suit, and other proceedings between the parties are stated to be pending. In view of the request made on behalf of the appellants, this Court refrains from expressing any opinion on the inclusion of the said 11 persons or on the prayer for setting aside the election held on 12.07.2026.

14. What survive for consideration are the limited requests that the Managing Committee elected on 09.11.2025 be permitted to manage the affairs of the *Sabha* till 09.11.2026, or, in the alternative, that the learned Receiver be permitted to continue to look after the affairs of the *Sabha* till then. To examine these requests, it is necessary to bear in mind the context in which the learned Receiver came to be appointed. The suit was instituted by the respondents to challenge the very election of the appellants held on 09.11.2025, and it was on the respondents' application in that suit that the Trial Court, *vide* order dated 13.04.2026, appointed the learned Receiver. The reasons behind the Trial Court's decision have been laid down in the said order as follows:

“41. In the backdrop of conflicting claims and, the nature of dispute and the aforesaid precedent, this Court finds that the cumulative circumstances emerging from the record unmistakably



2026:DHC:9395



disclose the existence of a situation warranting exercise of discretionary jurisdiction under Order XL Rule 1 of the Code of Civil Procedure. The material placed before the Court prima facie reflects the presence of serious and competing claims relating to the control, administration and management of the Sabha, which have already resulted in multiplicity of proceedings between the parties and have substantially impaired the smooth functioning of the institution. The dispute is not confined to private inter se rights but directly impacts a public religious and charitable body engaged in various activities. The continuing conflict between rival parties has created administrative uncertainty and an atmosphere conducive to mismanagement thereby posing a real and imminent risk to the preservation of institutional records, movable assets, financial documents and other properties forming the subject matter of the present suit.

42. In such circumstances, permitting either party to exclusively retain control may lead to further complications, potential loss or alteration of records and creation of irreversible situations prejudicial to fair adjudication. This Court is, therefore, satisfied that the present matter falls within the exceptional category where judicial intervention through appointment of a neutral Receiver becomes necessary. The appointment of a neutral Receiver, in the facts of the present case, would neither prejudice the rights of either party nor amount to adjudication of merits. Thus, this Court finds it just, proper and necessary to allow the present application.

43. In the light of aforesaid discussion, this Court deems it appropriate, in the interest of justice and for ensuring proper administration of the affairs of the Sabha, to appoint an independent authority for conducting the elections of the Sabha. Accordingly, it is hereby directed that a Receiver be appointed who shall be a retired District & Sessions Judge, possessing the requisite experience and neutrality to oversee the electoral process of the Sabha in a fair and transparent manner. In the present case Shri Vinay Kumar Gupta, Principal District & Sessions Judge (Retd.), contact no. XXXXXXXXXX is hereby appointed a Receiver for the aforesaid purpose of conducting the elections of the Sabha strictly in accordance with the applicable rules, and bye-laws of the Sabha.

44. Upon such appointment and subject to the consent of the proposed Receiver, the said Receiver shall assume charge for the limited purpose of conducting fresh elections of the Sabha strictly in accordance with the applicable bye-laws, rules, and governing regulations of the Sabha. The Receiver shall initiate the process of elections forthwith and shall endeavour to complete the entire electoral exercise within a period of six weeks from the date of



2026:DHC:9395



acceptance of the appointment.

xxx

xxx

xxx

48. Upon completion of the electoral process, the final results of the elections shall be duly compiled and sealed by the Receiver and handed over to this Court. However, the declaration and publication of the final election results shall remain withheld and the same shall only be disclosed before this Hon'ble Court and shall be made public strictly upon further directions of this Court.”

15. A reading of the above makes it evident that the Trial Court, faced with rival claims *qua* the control of the *Sabha*, consciously chose not to leave the management in the hands of either faction, and instead entrusted the conduct of fresh elections to a neutral Receiver. The restraint upon both sides was to operate till the disposal of the suit or the declaration of the final result of the elections, whichever was earlier. The appellants did not assail the order dated 13.04.2026. On the contrary, they sought its limited modification, which was granted by order dated 23.05.2026, and participated in the elections conducted pursuant thereto. The respondents’ challenge to the said modification has also since been withdrawn. The election was conducted by the learned Receiver on 12.07.2026. On 18.07.2026, the Trial Court opened the sealed envelope containing the result in the presence of the parties and recorded the final result, whereby respondent no. 2/Sh. *Ravi Prakash Kharakia* was declared elected as President and appellant no. 3/Sh. *Sanjay Garg* was declared elected as Secretary.

16. In these circumstances, once the appellants have neither challenged the appointment of the Receiver nor pressed their challenge to the fresh election, and a new Managing Committee has come into place through the very process set in motion by the order dated 13.04.2026, the requests that the old Managing Committee be allowed



2026:DHC:9395



back to manage the affairs of the *Sabha*, or that the learned Receiver be permitted to continue to look after the affairs of the *Sabha*, cannot be acceded to, as the same would amount to undoing the entire election exercise.

17. In view of the above, the present appeal is dismissed to the aforesaid extent. It is clarified that this Court has not expressed any opinion on the merits of the rival contentions of the parties, including the validity of the elections held on 09.11.2025 and 12.07.2026, or the inclusion of the 11 persons in the list of voters, which shall be considered in the pending proceedings in accordance with law.

18. It is, however, clarified that the direction issued by this Court on 15.09.2026, requiring the respondents to maintain the details of the three bank accounts held by the *Sabha* in the usual course of business, shall continue to operate during the pendency of the suit or till fresh elections of the *Sabha* are held, whichever is earlier.

19. The present appeal, along with the pending application, is disposed of in the above terms.

(MANOJ KUMAR OHRI)
JUDGE

OCTOBER 15, 2026
nb