

ITEM NO.40

COURT NO.8

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 29281-29282/2019

(Arising out of impugned final judgment and order dated 20-11-2019 in SPLA No. 372/2019 20-11-2019 in SPLA No. 373/2019 passed by the High Court Of Judicature At Allahabad, Lucknow Bench)

BANWARI LAL KANCHAL

Petitioner(s)

VERSUS

LAXMI NARAIN AGARWAL & ORS.

Respondent(s)

(IA No. 53485/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 48967/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 191064/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 53486/2021 - EXEMPTION FROM FILING O.T., IA No. 21285/2020 - EXEMPTION FROM FILING O.T., IA No. 191063/2019 - EXEMPTION FROM FILING O.T., IA No. 48969/2023 - EXEMPTION FROM FILING O.T., IA No. 1547/2022 - EXEMPTION FROM FILING O.T., IA No. 113059/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(C) No. 5025-5026/2020 (XI)

(IA No. 34152/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 109583/2020 - EXEMPTION FROM FILING O.T., IA No. 60674/2020 - EXEMPTION FROM FILING O.T., IA No. 109597/2020 - EXEMPTION FROM FILING O.T., IA No. 62250/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 60666/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 13536/2020 (XI)

(IA No. 58921/2020 - CONDONATION OF DELAY IN FILING, IA No. 58926/2020 - EXEMPTION FROM FILING O.T., IA No. 109836/2020 - EXEMPTION FROM FILING O.T., IA No. 109606/2020 - EXEMPTION FROM FILING O.T., IA No. 62267/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 58929/2020 - PERMISSION TO FILE LENGTHY LIST OF DATES, IA No. 58925/2020 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS)

CONMT.PET.(C) No. 507-508/2020 in SLP(C) No. 29281-29282/2019 (XI)

(IA No. 82910/2020 - EXEMPTION FROM FILING O.T., IA No. 67925/2020 - EXEMPTION FROM FILING O.T., IA No. 82905/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 67927/2020 - PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 01-05-2023 These matters were called on for hearing today.

CORAM :

**HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE SANJAY KAROL**

For Petitioner(s)

**Mr. Arunabh Chowdhury, Sr. Adv.
Mr. Parthiv K. Goswami, Sr. Adv.
Ms. Nina Nariman, Adv.
Ms. Diksha Rai, AOR
Mr. Ankit Agarwal, Adv.
Ms. Atiga Singh, Adv.
Ms. Ragini Pandey, Adv.
Mr. Aniruddha Sethi, Adv.**

For Respondent(s)

**Mr. Abhinav Gupta, Adv.
Mr. Satpal Singh, AOR**

**Mr. Purushottam Sharma Tripathi, AOR
Mr. Vijay Pratap Singh, Adv.
Mr. Vijay Dixit, Adv.
Mr. Ravi Chandra Prakash, Adv.
Mr. Abhishek Tripathi, Adv.
Mr. Amit, Adv.
Mr. Mukesh Kumar Singh, Adv.**

Mr. Bhakti Vardhan Singh, AOR

**UPON hearing the counsel the Court made the following
O R D E R**

I.A. No. 48967 of 2023 in SLP(C) Nos. 29281-29282 of 2019

1. This Court vide order dated 16.12.2019 has passed the following order:

"Issue notice returnable on 07.02.2020. In the meantime, there shall be ad interim stay of the resignation insofar as it affects the life membership of the petitioner viz., Banwari Lal Kanchal. In other words, the petitioner shall be a life member of the Society until further orders."

2. As such by virtue of the interim order, the petitioner has continued to be a life member of the Society.

3. It is submitted on behalf of the respondent No.1 that subsequent to the aforesaid order passed by this Court, the petitioner has been convicted for offence punishable under Section 332 and 506 of the Indian Penal Code.

4. It is, therefore, submitted that in view of Clause 6(v) of the By-Laws of the Society, the petitioner cannot continue as a member.

5. It is, however, submitted that on account of interim protection granted by this Court, the Society and the Registrar are not in a position to proceed for termination of the petitioner's membership.

6. We clarify that the order passed by this Court on 16.12.2019 will not come in the way of either the Society or the Registrar in taking such steps for termination of membership as are permissible in law.

7 We further clarify that the pendency of the present proceedings will have no bearing on the proceedings, if any, pending before the High Court.

7. Needless to state that before passing any orders, hearing would be given to the rival parties.

8. The application is disposed of accordingly.

SLP (C) No(s). 29281-29282 of 2019, 5025-5026/2020 and Diary
No(s). 13536/2020

1. Delay condoned.

2. Leave granted.

CONMT.PET.(C) No. 507-508/2020 in SLP(C) No. 29281-29282/2019

List this matter alongwith main petition.

(DEEPAK SINGH)
COURT MASTER (SH)

(ANJU KAPOOR)
COURT MASTER (NSH)