

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 99 OF 2015

IN

WRIT PETITION NO. 453 OF 2014

SHRI. N. SRIRAM.

... Applicant

Versus

MR. RUI FRANCISCO VALENTINE MENDES
AND 2 ORS.,

... Respondents

Mr. Yogesh V. Nadkarni, Advocate for the applicant-original respondent No.6.

Mr. M. Salkar, Government Advocate for the original respondents No.1 to 4.

Shri J. Vaz, Advocate for the respondents No.1 to 3-original petitioners.

Shri J. Supekar, Advocate for the original respondent No.5.

Coram:- F. M. REIS, J.

Date:- 4th July, 2015

P.C.:

Heard Shri Y.V. Nadkarni, learned Counsel appearing for the applicant-original respondent No.6, Shri J. Vaz, learned Counsel appearing for the respondents No.1 to 3-original petitioners, Shri M. Salkar, Government Advocate appearing for the original respondents No.1 to 4 and Shri J. Supekar, learned Counsel appearing for the respondent No.5.

2. I have heard the learned Counsel appearing for the respective parties and with their assistance, I have also gone through the record. The above application came to be filed by the original respondent No.6, inter alia, praying that an order of status quo granted by this Court on 14th January, 2015 be recalled as, according

to the applicant-respondent No.6, there is no Managing Committee to run the affairs of the subject Society. According to him, the Committee which was appointed based on the orders impugned in the above petition, was nonfunctional as the records were not handed over to such a committee.

3. By an order dated 23rd January, 2015, this Court had directed the Registrar-Original respondent No.2, to convene a meeting and disclose the names of the eligible candidates who could be appointed to the Managing Committee of the concerned Society, without being influenced by the orders impugned in the above writ petition.

4. An affidavit dated 17th March, 2015 came to be filed by the Registrar, inter alia, disclosing at para 12 that there were 3 eligible candidates who could form part of the Managing Committee of the concerned Society. The fact that other two members, namely Smt. E. S.S. Almeida and Smt. Luiza Mohan Gera were also eligible to be appointed to the Managing Committee, is not in dispute. Taking that into consideration, the following five members are eligible candidates to be appointed to the Managing Committee, namely :

- (1) Shri G.S. Samant,
- (2) Shri L. V. Bhandari,
- (3) Shri Judy P. Caleb,
- (4) Smt. E. S.S. Almeida,
- (5) Smt. Luiza Mohan Gera.

5. It was pointed out by the learned Counsel appearing for the

respective parties that to make the Managing Committee functional, the minimum requirement is of seven members. As such, both the learned Counsel, namely Shri Joesph Vaz, learned Counsel appearing for the original petitioners and Shri Y. V. Nadkarni, learned Counsel appearing for the applicant-original respondent No.6 were called upon to suggest one name each who could form part of such interim Managing Committee. Upon instructions, Shri Joseph Vaz, learned Counsel appearing for the original petitioners, has suggested the name of Shri B. B. Kamat, figuring at serial No.65, at page 20 of the petition; whereas, Shri Y.V. Nadkarni, learned Counsel appearing for the applicant-respondent No.6, upon instructions, has suggested the name of Shri Balaji D. Naik, figuring at serial No.52 at page 19 of the petition.

6. As such, during the pendency of the above petition, there would be an interim Managing Committee to run the affairs of the concerned Society. Without prejudice to the rights and contentions of the parties, I find it appropriate to appoint an interim Managing Committee consisting of five members referred to at para 4 and the other two members, as suggested by both the learned Counsel referred to at para 5 hereinabove. The Seven Members Committee, which is appointed as an interim committee upon orders of this Court, shall proceed to run the affairs of the concerned Society and are called upon to hold the first meeting of such a Managing Committee on Sunday, 12th July, 2015 a 10.00 a.m. in the Society's Office premises for electing the Office bearers and proceed to

examine the modalities of functioning of such Managing Committee of the concerned Society. Respondent No.2-Registrar shall notify the said Seven Members' appointed Committee the date of such meeting.

Needless to say, upon appointment of such an interim Committee, all the relevant books of the Society shall be handed over to the Office bearers so appointed pursuant to the meeting to be held on 12th July, 2015. It is made clear that the above arrangement has been worked out only as an interim arrangement to enable the functioning of the Society concerned during the pendency of the petition, without prejudice to the rights and contentions of both the parties. The present interim arrangement will be in supersession of any other Committee appointed of such Society shall be in operation only during the pendency of the above petition and subject to further orders that may be passed in the writ petition.

7. Liberty to the parties to apply in case of any difficulty.
8. The application is disposed of accordingly.
10. Place the writ petition for final hearing in the month of September, 2015, high on board.

F. M. REIS, J.

ssm.