

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN
&
THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN**

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

Arb.A.No. 68 of 2013 ()

**AGAINST THE ORDER/JUDGMENT IN OPARB 119/2013 of DISTRICT COURT, KOLLAM
DATED 07-08-2013**

APPELLANT/PETITIONER:

**M.NIAZ AHAMED AGED 52 YEARS
S/O.LATE A.M.DAVOOD, SECRETARY, TRINITY CRICKET CLUB
(AFFILIATED TO QUILON DISTRICT CRICKET
ASSOCIATION) T.K.M.C. P.O.
KARICODE, KOLLAM-5, RESIDING AT SAJ MAHAL
T.K.M.C. P.O, KARICODE, KOLLAM-5.**

**BY ADVS.SRI.K.B.PRADEEP
SRI.ASHOK SURESH**

RESPONDENTS/RESPONDENTS:

- 1. QUILON DISTRICT CRICKET ASSOCIATION
[AFFILIATED TO KERALA CRICKET ASSOCIATION
AS ASSOCIATION REGISTERED UNDER ACT XII OF 1955
VIDE REGISTRATION NO.468/88],
HAVING ITS OFFICE AT Q.D.C.A OFFICE, BAPUJI NAGAR
ASRAMOM, KOLLAM-2
REPRESENTED BY ITS HONOURABLE SECRETARY
R. ARUN KUMAR, PIN-691 002..**
- 2. ARUNKUMAR, AGED ABOUT 44 YEARS,
HONOURABLE SECRETARY
QUILON DISTRICT CRICKET ASSOCIATION, Q.D.C.A OFFICE
BAPUJI NAGAR, ASRAMOM, KOLLAM-2
RESIDING AT THAZHATHOTTATHU BUNGLOW, K.S.PURAM P.O.
KARUNAGAPPALLY-691 002.**
- 3. THE RETURNING OFFICER
(VINOD S KUMAR) QUILON DISTRICT CRICKET ASSOCIATION
Q.D.C.A OFFICE, BAPUJI NAGAR, ASRAMOM
KOLLAM-691 002.**

**R1 BY ADV. SRI.N.RAGHURAJ & SMT.K.AMMINIKUTTY FOR CAVEATOR
R1 & 2 BY ADVS. SRI.N.RAGHURAJ
SMT.K.AMMINIKUTTY**

**THIS ARBITRATION APPEALS HAVING BEEN FINALLY HEARD ON 01-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

P.N.RAVINDRAN & ANU SIVARAMAN, JJ.
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Arbitration Appeal No.68 of 2013
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Dated this the 1st day of July, 2015

JUDGMENT

P.N.Ravindran, J.

This appeal arises from the order passed by the Court of the District Judge of Kollam on 7.8.2013 in O.P.(Arb)No.119 of 2013, an application filed by the appellant herein under section 9 of the Arbitration and Conciliation Act, 1996. The appellant had in the said application prayed for a mandatory injunction directing the respondents to remove/delete the names of disputed voters enlisted in the voters list prepared and published for holding elections to the executive committee of the Quilon District Cricket Association for the period 2013-2014. The elections were scheduled to be held on 18.5.2013. Since an ad interim order was not passed by the District Court on O.P.(Arb)No.119 of 2013, the elections took place as scheduled. After considering the rival contentions in detail, the learned District Judge dismissed the application, by order passed on 7.8.2013. Hence this appeal.

2. When this appeal came up for hearing today, to a query from us as to whether the appeal has not become infructuous for the reason that what was sought to be prevented has taken place and the result of the elections has not been challenged by the appellant by instituting

other appropriate proceedings, the learned counsel appearing for the appellant very fairly submitted that what was sought to be prevented has taken place and the validity of the elections has not been challenged in other appropriate proceedings.

Such being the situation, we are of the opinion that no purpose will be served by going into the merits of the rival contentions at this stage. We accordingly dismiss the appeal as infructuous. In that view of the matter, we deem it appropriate to leave open the contentions of both sides on the merits, to be considered later in other appropriate proceedings if raised. No costs.

**Sd/-
P.N.RAVINDRAN
JUDGE**

**Sd/-
ANU SIVARAMAN
JUDGE**

/true copy/

P.A. To Judge

vpv