

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

Con.Case(C).No. 1160 of 2013 (S)

**ORDER DATED 16.07.2013 IN O.P(ARBITRATION) NO.168 OF 2013 OF THE
HONOURABLE 2ND ADDITIONAL DISTRICT COURT, TRIVANDRUM**

PETITIONER(S)/PETITIONER :

**VIJAYAKUMAR K., AGED 52 YEARS,
S/O.V.KUTTAN PANICKER, PAST PRESIDENT,
ROTARY CLUB OF KARETTE, KARETTE, TRIVANDRUM - 695 606.**

**BY ADVS.SRI.SHAJI P.CHALY
SRI.R.SANJITH**

RESPONDENT(S)/2ND RESPONDENT :

**MR.JATINDER SINGH, AGED 56 YEARS,
FATHER'S NAME NOT KNOWN TO THE PETITIONER,
MANAGER, CLUB AND DISTRICT SUPPORT SECTION,
ROTARY INTERNATIONAL SOUTH ASIA OFFICE, THAPAR HOUSE,
JANPATH, NEW DELHI - 110 001.**

BY ADV. SRI.DEEPU THANKAN

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD
ON 10-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

Con.Case(C).No. 1160 of 2013 (S)

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A1: CERTIFIED COPY OF THE SAID FINAL ORDER DATED 16.07.2013
IN O.P.(ARBITRATION) NO.168 OF 2013 ISSUED BY
THE LEARNED 2ND ADDITIONAL DISTRICT COURT,
TRIVANDRUM.**

ANNEXURE A2: TRUE COPY OF THE ACKNOWLEDGEMENT CARD.

**ANNEXURE A3: TRUE COPY OF THE LETTER DATED 06.08.2013 TERMINATING
THE ROTARY CLUB OF KARETTE.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

**ASHOK BHUSHAN, Ag.CJ
& A.M.SHAFFIQUE, J.**

Cont.Case No.1160 of 2013

Dated this the 10th day of March 2015

J U D G M E N T

Shaffique,J

Petitioner has approached this Court complaining of contempt alleging violation of order dated 16/07/2013 in O.P.(Arbitration) No.168/2013 of the II Additional District Court, Thiruvananthapuram. Proceedings were initiated under Section 9 of the Arbitration and Conciliation Act. As per the order, there was an interim injunction restraining termination of the Rotary Club of Karette of which the petitioner was a member. However, by Annexure A3 proceedings dated 06/08/2013, the General Secretary of Rotary International having their office at Sherman Avenue, Evanston, Illinois 60201-3698, U.S.A has terminated the membership of the Rotary Club of Karette. It is also mentioned that Rotary International has not received any documents establishing that the Rotary Club of Karette has

withdrawn or dismissed its lawsuit against all defendants. It is pointed out by the learned counsel for the petitioner that though the Rotary International at Illinois is not a party to the proceedings, still the respondent herein was under obligation to intimate the parent organisation about the pending interim injunction granted by the Civil Court. As the same has not been done, Annexure A3 came to be issued.

2. The question to be considered is whether there is any wilful contempt on the part of the respondent. True that the respondent ought to have intimated the proceedings in the Section 9 petition to the parent organisation as well. But, in so far as no injunction had been issued against Rotary International at Illinois, it is always open for the respondent to contend that he has not violated the terms of the order. Under such circumstances, we do not think that it is a case of wilful contempt. Probably, it was proper on the part of the respondent to have intimated the matter to the Rotary International at Illinois as well.

However, having regard to the facts and circumstances involved in the matter, we do not think that it is necessary to proceed with the contempt. Accordingly, this contempt case is dropped.

(sd/-)

**(ASHOK BHUSHAN,
ACTING CHIEF JUSTICE)**

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

