

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION No. 3303 of 2015

ORDER:

The petitioners in this Civil Revision Petition are petitioners in O.P.No.3036 of 2014 on the file of X Additional Chief Judge, City Civil Court, Hyderabad and they filed the said O.P., for permanent injunction against the respondent herein. The trial Court though initially granted temporary injunction in I.A.No.1860 of 2014, vacated the same after filing counter by the respondent, by Order dt. 8.07.20015. Challenging the same, they filed the present Civil Revision Petition.

Since the dispute relates to the post of office of the President in Telangana Government Drivers Central Association, this Court thought it fit to appoint two Commissioners to conduct voting for expression of interest by the members, who were on the rolls, as on the date of disputed election of 2nd petitioner as President. Accordingly, the Advocate Commissioners, who were appointed by this Court, conducted election on 31.01.2016. In the said election, there was consensus with regard to exercise of franchise by 48 members and they were allowed to exercise their votes. Thereafter, the petitioners as well as the respondent agreed for exercise of franchise by 12 more voters and thus 60 voters exercised their franchise. There was dispute with regard to seven voters beyond 60 voters permitted. They were also allowed to cast their vote by allotting different numbers. Ultimately, all the 67 voters casted their vote.

The result of the election is that 2nd petitioner got 40 votes, whereas the respondent got 27 votes. Thus, it is clear that the respondent lost confidence of the voters, constituting the members of the first petitioner association, and the respondent shall be restrained from interfering with the affairs of the first petitioner association. In these circumstances, this Court is inclined to allow I.A.No.1860 of 2014 without going into other controversial issues, pending disposal of O.P.No.3036 of

2014.

In view of the above, this Civil Revision Petition is allowed setting aside the impugned Order dt. 8.07.2015 in I.A.No.1860 of 2014 in O.P.No.3036 of 2014. It is open for the petitioners to take steps either to prosecute or withdraw O.P.No.3036 of 2014 by filing appropriate application before X Additional Chief Judge, City Civil Court, Hyderabad, before whom O.P.No.3036 of 2014 is pending.

In view of the services rendered by the learned Advocate Commissioners, they are held to be entitled to a remuneration of Rs.10,000/- each, which shall be borne by the first petitioner Association from its funds. Learned counsel for petitioners shall ensure payment of the amount to the Advocate Commissioners appointed by this Court without there being any request from them. No order as to costs.

As a sequel, miscellaneous petitions, if any, pending in this case, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 10.02.2016

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Note: This Order shall be released only after filing receipt of the amount by the Advocate Commissioners appointed by this Court vide Order dt. 07.01.2016.

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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