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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 11993/2016 and CM No. 47346/2016**

P. RAVI KUMAR

..... Petitioner

Through Ms Roma Bhagat, Mr Vikas Kataria,
Mr Pranam Priya, Advocates for Respondent
No. 1,2,3 & 5.

versus

UNION OF INDIA & ORS

..... Respondents

Through Mr Mohit Bhardwaj, Ms Rashmi
Bhardwaj, and Mr Mani Karan Sharma, Advocate
for Respondent No. 1/UOI.

Mr Ruchir Mishra, Advocate for Respondent
No. 2.

Mr Hemant, Mr Hrishikesh Baruah, Advocate for
R3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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04.12.2017

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“a. Issue a writ of mandamus or any other writ, order or direction in the nature of mandamus directing Respondent No. 1 to suspend/derecognize the office bearers of the Respondent No.3 Federation for violations of the sports code.”

2. The disputes involved in the present petition relate to the management of respondent no.3 Federation. The petitioner claims to be the legitimate office bearer of the Executive Committee of respondent no. 3, which claims

to be entitled to manage its affairs. This is disputed by another set of persons who claim to be the legally elected members of the Executive Committee of respondent no.3.

3. Admittedly, respondent no.3 has filed a suit (**CS (OS) 505/2016** captioned ***Indian Weightlifting Federation & Anr. v. CBR Academy of Sports and Education & Ors***), *inter alia*, praying as under:-

- “A] Pass a Decree of Permanent Injunction in favour of the Plaintiffs and against the Defendants No. 1 restraining them, their representatives, agents, attorneys, employees from using the name, logo, seal, letterhead of the Plaintiff, ‘Indian Weightlifting Federation’ on any poster, banner or any other document/material or on any electronic medium, and further restrain the Defendant No.1 to conduct any competition involving the sport of weightlifting by using the words ‘National Weightlifting Championship’ as a suffix or prefix;
- B] Pass a Decree of Permanent Injunction in favour of the Plaintiffs and against the Defendants No. 2 restraining him from using the name, seal, stamp, logo, letterhead of the Plaintiff No.1 Federation, and also restrain the Defendant No.2 from representing to third parties/public at large as the General Secretary of the Plaintiff Federation;
- C] Pass a Decree of Mandatory injunction against the Defendants No. 1 & 2 to withdraw the advertisement and any other communication/letters issued to third parties/state affiliated members of the Plaintiff regarding the conducting of the Youth & Junior National Weightlifting Championship 2016-2017 to be held on 5th October, 2016;
- D] Pass a decree of Permanent injunction restraining the Defendant No. 3 to recognize the illegal,

unauthorized and fraudulent National Competition conducted by the Defendant No. 1 & 2 and further not to entertain or acknowledge any letter/communication from the Defendant No. 1 in the capacity of the General Secretary of the Plaintiff No.1 Federation.

E] Pass a decree for damages to the tune of Rs.2 Crores (Rupees two Crores) against the Defendant No.1 & 2, jointly and/or severally being damages on account of loss of goodwill and reputation due to the illegal, unlawful, fraudulent, concocted and fabricated actions of the Defendant No. 1 & 2; ”

4. The said suit was moved on 30.09.2016 and the following *ad interim* order was passed:-

“3. The plaintiff no.1, claiming to be the National Sports Federation for the sport of Weightlifting, has instituted this suit to restrain the defendants from using the name, logo, seal and letterhead of the plaintiff no.1 on any poster, banner or any other document/material or on any electronic medium and from conducting any competition involving the sport of weightlifting by using the words ‘National Weightlifting Championship’ as a suffix or prefix.

4. Issue summons of the suit and notice of the application to the defendants no. 1&2 by all modes including dasti and electronic, returnable on 6th October, 2016.

5. The counsel for the plaintiffs presses for *ex parte* injunction.

6. The championship / competition where the defendants no.1&2 have used / are using the name of the plaintiff no. 1 and / or the words ‘National Weightlifting Championship’ is scheduled from 2nd October, 2016 to 5th October, 2016.

7. I have enquired from the counsel for the plaintiffs as to what irreparable injury the plaintiffs will suffer by such use as the participants or the winner therein would not be entitled to any benefit from the plaintiff if the plaintiff is not the organiser thereof and the plaintiff cannot be compelled to grant such benefit. On the contrary, it is felt that any order at this late stage would irreparably injure the competition / championship and particularly the sport persons participating therein.

8. I have further enquired from the counsel for the plaintiffs as to when was the competition / championship announced.

9. The counsel for the plaintiffs has drawn attention to a letter dated 26th August, 2016 but states that the plaintiffs learnt of it just about three days back.

10. Since at least one of the essential ingredients for grant of ex parte injunction is not satisfied, no case therefor is made out. However post notice, the entitlement of the plaintiffs to the said relief qua subsequent competitions / championships if any organized by the defendants no.1&2 shall be considered.

11. At this stage, need to issue summons / notice to the defendant no.3 Indian Olympic Association is not felt as no cause of action there against is disclosed.”

5. In continuation of the aforesaid order, the Court passed the following order on 06.10.2016:

“1. This order is in continuation of the earlier order dated 30th September, 2016.

2. Though the report of service of summons / notice issued to the defendants No.1&2 is awaited but the counsel for the plaintiffs has filed affidavit of service of defendants No.1&2 and as per which affidavit, the defendant No.1 was served on 4th October, 2016 and

defendant No.2 was served on 3rd October, 2016.

3. At this stage Ms. Richa Singh, Advocate appears on behalf of defendants No.1&2 and seeks time to respond.

4. I have enquired from the counsel for the defendants No.1&2, whether the said defendants have any intent to, in the near future, use the words “National Weightlifting Championship” as a suffix or prefix or to use the name and logo of the plaintiff No.1.

5. The counsel for the defendants No.1&2 states that she has not received any instructions.

6. Written statements be filed within four weeks.

7. Replication if any thereto be filed within further four weeks thereafter.

8. The parties to file affidavits of admission / denial of each other's documents within further two weeks thereafter.

9. List for framing of issues, if any and for consideration of application for interim relief on 30th January, 2017.

10. Till further orders, the defendants No.1&2 are restrained from conducting or organising any kind of National or State Level championship, representing themselves to be affiliated to the plaintiff No.1 and / or representing themselves as the plaintiff No. 1. The defendant No.2 is also restrained from representing himself as the General Secretary or an office bearer of the plaintiff No.1.”

6. The learned counsel for the respondents submits that by virtue of the aforesaid orders, the faction represented by the petitioner is not entitled to represent or carry on any activity as respondent no.3.

7. A perusal of the averments made in the writ petition and the suit also indicates that the disputes involved in the present petition are in substance also the subject matter of disputes in the above mentioned suit. It is also apparent that the controversy involves several disputed question of fact. In the circumstances, this Court is of the view that it would not be apposite for this Court to examine the same in these proceedings. It would, of course, be open for the petitioner to agitate his grievances in an appropriate proceedings.

8. Ms Roma Bhagat, learned counsel appearing for the petitioner has earnestly contended that notwithstanding the disputes with regard to the management of respondent no.3, respondent no.1 must take an independent view as to whether respondent no.3 has violated the sports code.

9. In this regard, it is always open for respondent no.1 to examine whether the sports code has been violated and to take an apposite decision in this regard. Since, this Court is refraining from entertaining the controversy in these proceedings, this Court also finds no reason to give any directions in this regard to respondent no.1.

10. The petition and the pending application are disposed of.

VIBHU BAKHRU, J

DECEMBER 04, 2017

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