

HIGH COURT OF CHHATTISGARH, BILASPUR**Second Appeal No. 137 of 2006**

1. Chhattisgarh Pradesh Judo Association Through the Secretary Omji Gupta Office 37/222, 'Umang' Chhotapara Road, District Raipur (C.G.)
2. Omprakash Pujari, President, Chhattisgarh Pradesh Judo Association, Office and Residence "Center Point" Saddani Chowk, Sadar Bazar, District Raipur (C.G.)

----Appellants/Plaintiffs**Versus**

1. Jagdish Tytlor, President, Judo Federation of India, Room No. 1134, A.B. Gate., No.27, Jawahar Lal Nehru Stadium, Lodhi Road, New Delhi.
2. The Secretary, Judo Federation of India, Room No. 1134, A.B. Gate., No. 27, Jawahar Lal Nehru Stadium, Lodhi Road, New Delhi.
3. Balbir Juneja, President of Chhattisgarh Pradesh Judo Sangh, Behind Hotel Giriraj, Jail Road, Raipur (C.G.)
4. Arun Dwivedi, Secretary, Chhattisgarh Pradesh Judo Sangh, Riddhi-Siddhi Parisar, jalebi Chowk, Camp-1, Bhilai-1, Link Road, District Durg (C.G.)
5. Registrar, Firms and Societies, through the Registrar, O-5 Anupam Nagar, Raipur (C.G.)
6. The State of Chhattisgarh, Through Collector Raipur (C.G.)

----Respondents/defendants.

For Appellant : Mr. J.N. Nande, Advocate.
 For Respondent No.6/State : Mrs. Astha Shukla, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****25/10/2018**

(1) This is plaintiffs' Second Appeal filed under Section 100 of CPC against the judgment and decree dated 09.01.2006, passed by District Judge, Raipur Raigarh, in Civil Appeal No. 41-A/2005 affirming the judgment and decree dated 08.08.2005

passed by First Civil Judge Class-1, Raipur, in Civil Suit No. 9-A/2005, dismissing the suit.

(2) Mr. Nande, learned counsel appearing for the appellants/plaintiffs would submit that both the courts below were absolutely unjustified in dismissing the suit by recording a finding, which is perverse to record and that give rise a substantial question of law for determination in this appeal.

(3) I have heard learned counsel appearing for the appellant on the question of admission of second appeal.

(4) Appellants/plaintiffs filed a suit for declaration on 26.07.2001 that plaintiff No. 1 – Chhattisgarh Pradesh Judo Association is duly recognized Judo Association by defendant No. 2 i.e. Judo Association of India and, as such, Judo Association constituted by defendants No. 4 & 5 is null & void and decree for declaration be granted in favour of plaintiff and permanent injunction be issued restraining defendants No. 4 & 5 from undertaking any kind of activities relating to Judo.

(5) The trial Court, after appreciating the oral & documentary evidence on record, held that as per defendant No. 2 by its resolution Ex. P-16 on 24.04.2001 appointed Defendant No. 4 as President and Defendant No. 5 as Secretary of State Judo Association and duly recognized, as such, by document Ex. P-4, dispute raised by the appellants/plaintiffs is arbitrable as per clause 18 of the Constitution (Ex.D-1) of defendant No. 2 and jurisdiction of Civil Court is barred. The above-stated findings recorded by the trial Court has been upheld by the first appellate Court by re-appreciating the material available on record, which are neither perverse nor contrary to the record.

(6) In view of above, I do not find any substantial question of law for determination.

The Second appeal is liable to be and is hereby dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

