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

+ **W.P.(C) 10608/2018**

GURLEEN KAUR & ORS

..... Petitioners

Through: Mr Ankit Khatri and Mr S. Hussain,
Advocates.

versus

WUSHU ASSOCIATION OF INDIA & ORS Respondents

Through: Mr Vipin K. Saini, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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05.10.2018

CM No.41323/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 10608/2018 & CM No.41322/2018

2. The petitioners have filed the present petition, *inter alia*,
praying as under:-

- “i) Issue directions to the respondents to allow the petitioners to play as per the final list prepared 17 Sept. 2018 after conducting the open trial.
- ii) Issue directions to the respondents not to conduct trial twice for 27th National Wushu Championship in view of Physical injuries.
- iii) Issue direction to the respondent that in future/ upcoming championship to save from possible physical injuries.”

3. The petitioners are, essentially, aggrieved by an order dated

28.09.2018 passed by the Civil Court directing that a fresh trial be conducted for selection of the players to participate in the 27th National Wushu Championship, which is scheduled to be held on 15.10.2018 at the Assam Regimental Centre. The said application was filed on behalf of the plaintiff, Delhi Amateur Wushu Association, contending that the players affiliated to the plaintiff therein had not participated in the trial conducted by the Wushu Association of India and the another faction of Delhi Amateur Wushu Association.

4. It is apparent that the entire Controversy stems from a dispute between two factions relating to the management and control of the affairs of the Delhi Amateur Wushu Association. The Civil Court is in seisin of the dispute and has directed that an open trial be conducted where players affiliated to both the factions could participate for being selected for the tournament to be held between from 10.10.2018 to 15.10.2018.

5. The petitioners are, essentially, aggrieved as they have been selected in the trials conducted on 15.09.2018 and are now called upon to compete in a fresh trial and have, therefore, filed the present petition.

6. First of all, the order dated 28.09.2018 passed by the Civil Court in CS No.604/2018 is not impugned in the present petition. The grievance in regard to the said order is required to be addressed in an appropriate proceeding and not by way of this petition filed under Article 226 of the Constitution of India. Even otherwise this Court is unable to appreciate the grievance of the petitioners in competing with the players who have not participated in the trials earlier. This Court finds no reason to exclude players who had not participated on account of the management disputes between different factions of the Delhi Amateur Wushu Association from a

fair opportunity to be selected to participate in the national championship.

7. This Court is informed that the open trials are scheduled tomorrow in terms of the order passed on 28.09.2018 by the Civil Court. This Court finds no reason to interdict the same and exclude other players from participating in the selection process.

8. The learned counsel appearing for the petitioner states that after the selection of the petitioners they had attended national camp and, therefore, the persons who had not attended the camp ought not be permitted to participate.

9. This Court is of the view that the same is not material. Surely, the petitioners would be in a better position to compete with the players, who have not attended the training camp.

10. The petition is, accordingly, dismissed. The pending application is also disposed of.

VIBHU BAKHRU, J

OCTOBER 05, 2018
MK