

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2020

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY
O.S.A.No.190 of 2020

Tamil Nadu State Volleyball Association
Represented by its General Secretary
Mr. A.J.Martin Sudhakar
96, Sydenhams Road
First Floor, (Metro Manor)
Periamet, Chennai-600003 appellant

vs.

1. The Goa Volleyball Association
Rep. by its Secretary
Mr.Raghuvir Mhablu Shinde
NO.7, Garden View Complex
Ponda, Goa - 403 40 I

2. Volleyball Federation of India
Room NO.72, Jawaharlal Nehru Stadium
Chennai-600003

3. Mr.S.Vasudevan
President
Volleyball Federation of India
Room NO.73, Jawaharlal Nehru Stadium
Chennai-600003

4. Mr.Ramvatar Singh Jakhar
Secretary General
Volleyball Federation of India
Room NO.1&2, Indoor Stadium
SMS Stadium, Janpath
Jaipur- 302 005, Rajasthan

5. Hon'ble Justice (Retired) R.A.Singh
Returning Officer
Volleyball Federation of India
Room No.72, Jawaharlal Nehru Stadium
Chennai-600003
and also at Shashi House, Kotwali Road
Najibabad - 246763, Uttar Pradesh

6. Hon'ble Justice (Retd.) V.S.Siradhana
Returning Officer
Room NO.1&2, Indoor Stadium
SMS Stadium, Janpath, Jaipur- 302 005, Rajasthan

7. Indian Olympic Association
Represented by its General Secretary
Mr.Rajeev Mehta
Olympic Bhawan 13-29
Qutub Institutional Area
New Delhi - 110016

... Respondents

Prayer ::- Appeal filed against the order dated 11.03.2020
in O.A.No.155 of 2020 in C.S.No.113 of 2020.

For appellants Mr.S.Thanka Sivan
::

For Respondents Mr.P.V.Balasubramaniam
:: for M/s.B.F.S.Legal
Associates,
for 2nd respondent &
4thRespondent
Mr.Harshavardhan,
for Mr.Rahul Balaji,
for 1st respondent
Mr.Chandraprabhu,
for 5th respondent

JUDGMENT

(Made by DR.VINEET KOTHARI, J.)

The Court was held by Video Conference, as per the
Resolution of the Full Court dated 3 July 2020, by Judges at
their respective residence and the counsel, staff of the Court
appearing from their respective residences.

2. The present appeal is directed against the order dated
11.03.2020 of the learned Single Judge by which the learned
Single Judge granted an ad-interim order, restraining the
conduct of elections on 12.3.2015 and 15.3.2020 of the second
respondent - Volleyball Federation of India.

3. While hearing the present appeal, a Division Bench of this court had passed ad-interim order on 13 March 2020. The said order is quoted below for ready reference:-

Heard Mr.Thanka Sivan, learned counsel appearing for the petitioner, Mr. Madhan Babu, learned counsel appearing for the first respondent and Mr.P.V.Balasubramanian, learned counsel appearing for the second respondent.

2. Leave granted.

3. In the facts and circumstances of the case, the operation of the order passed by the learned Single Judge on 11.3.2020 in O.A.No.155 of 2020 in C.S.No.113 of 2020 shall remain stayed.

4.The conduct of Elections on 12.3.2015 and 15.3.2020 of the Apex body known as Volleyball. Federation of India are permitted to be held, however, the results of the same may not be declared and the Results of both the Elections may be produced before the Court in sealed covers on the next date of hearing by the respective Returning Officers.

4. The Commissioners appointed by the court viz. Hon'ble Justice (Retd.) R.A.Singh and Hon'ble Justice (Retd.) V.S.Siradhana, respondents 5 and 6 herein, as Returning Officers, have conducted the elections. Their reports have been submitted before this court in a sealed cover, which is placed on record. The learned Single Judge had passed only an ad-interim order, since by that time, the counter of the respondents/ defendants were not before the learned Single Judge.

5. A Special Leave Petition was filed by Uttaranchal Volleyball Association before the Hon'ble Supreme Court. Without interfering with the order of the Division Bench, the Hon'ble Supreme Court had remitted the matter back to the Division Bench. The order of the Hon'ble Supreme Court dated 20.03.2020 in SLP (Civil) No.9646 of 2020 (Volleyball Association of Uttaranchal vs. Volleyball Federation of India and others) is also quoted below for ready reference.

"Permission to file special leave petition is granted.

We decline to interfere in the special leave petition as the appeal is still

pending before the Division Bench of the High Court and the order in question is only an interim direction permitting the election process to continue, but the results are directed to be presented to the Court in a sealed cover.

Therefore, before opening the sealed cover the High Court may have to consider all aspects of the matter.

The parties are free to pursue all contentions available, to be decided by the High Court on its own merits in accordance with law, uninfluenced by the observations made in the impugned order.

The special leave petition and the pending applications stand disposed of."

6. After hearing the learned counsel, we are of the opinion that the issue of injunction, which is pending before the learned Single Judge, deserves to be decided by the learned Single Judge himself, after hearing the rival contentions on behalf of all the parties, after taking into account the elections held under the orders of the Division Bench, passed on 13.03.2020.

7. The sealed cover produced before the Division Bench may be placed on record of the learned Single Judge. Counters if not already filed, may also be filed before the learned Single Judge, within a period of four weeks from today. The learned Single Judge is requested to decide the injunction application finally after hearing the concerned parties. Therefore, we are not inclined to pass any orders on the merits of the contentions sought to be raised before us, as we are of the considered opinion that the injunction application is yet to be finally decided by the learned Single Judge, who is seized of the suit also. Accordingly, we dispose of this appeal, by remitting the matter back to the learned Single Judge, with a request to the learned Single Judge to decide the injunction application after hearing the concerned parties.

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8. With this observation, the original side appeal is disposed of. There is no order as to costs.

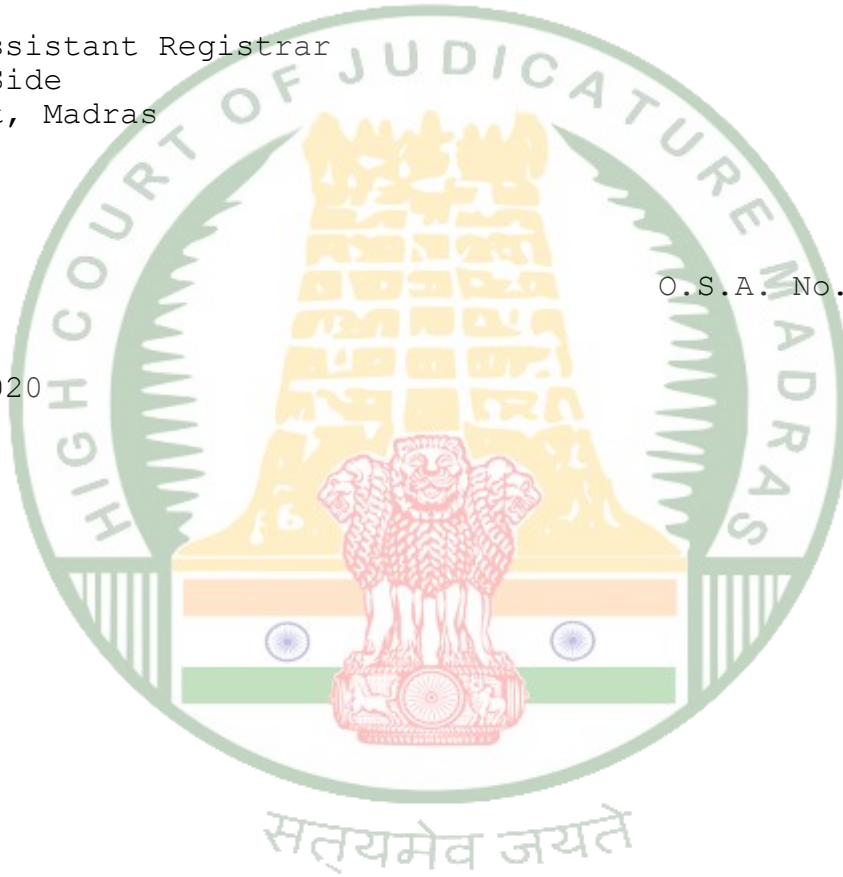
-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

To
The Sub Assistant Registrar
Original Side
High Court, Madras

O.S.A. No.190 of 2020

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