

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 12.08.2020

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

O.A.No.1088, 1089 of 2018

O.A.No.187, 188, 190 of 2019 and

A.No.2108, 2109 of 2019

In O.A.No.1088, 1089 of 2018

Karnataka Volley Ball Association
represented by its General Secretary
K.Nandakumar
No.2, Sri Kanteerva Indoor Stadium,
Kasturba Road, Bangalore 560 001. ... Applicant

Vs.

1. The Secretary General,
Volley Ball Federation of India,
Room No.72, Jawaharlal Nehru Stadium,
Chennai 600 003.

2. Ram Avathar Singh Jakshar,
Secretary General, Room No.72,
Jawaharlal Nehru Stadium,
Chennai 600 003.

... Respondents

In O.A.No.187, 188,189 and 190 of 2019

Volleyball Federation of India,
represented by its Secretary General
Mr.Ramavtar Singh Jakkar,
Hall No.72, Jawaharlal Nehru Stadium
Park Town, Chennai 600 003.

... Applicant

Vs.

1. Chaudhary Avadesh Kumar,
Room No.2, Sri Kanteerava,
Indoor Stadium, Kasturba Road,
Bangalore 560 001.

2. K.Nandakumar,
Room No.2, Sri Kanteerava,
Indoor Stadium, Kasturba Road,
Bangalore 560 001.

3. Mr.Anil Agarwal,
Room No.2, Sri Kanteerava,
Indoor Stadium, Kasturba Road,
Bangalore 560 001.

4. Volleyball Federation of India,
Rep. by Mr.Chaudhary Avadesh Kumar,
Room No.2, Sri Kanteerava,
Indoor Stadium, Kasturba Road,
Bangalore 560 001.

... Respondents

In A.No.2108, 2109 of 2019

K.Nandakumar, s/o Mr.Krishnappa,
General Secretary, Karnataka Volley Ball Association,
2518/1, 14th Main Road,
Kumarasamy Layout II Stage,
Bangalore 560 078. Applicant

Vs.

1. The Volley Ball Federation of India,
Rep. by its Secretary General,
Mr.Ram Avathar Singh Jakhar,
Room No.72, Jawaharlal Nehru Stadium,
Chennai 600 003.
2. Indian Olympic Association,
Rep. by its Secretary General,
B-29, Qutub Institutional Area,
New Delhi 110016.
3. Mr.Ram Avathar Singh Jakhar
Secretary General,
Room No.72, Jawaharlal Nehru Stadium,
Chennai 600 003.
4. Adhoc Committee,
Karnataka Volleyball Association,
Rep. by its Chairman Mr.H.Ramachandra Murthy,
Karnataka State Volleyball Association,
No.25, Venkateshwara Nilayam, Javaraiah Garden,
3rd Block, 3rd Cross, Bangalore 560 029,
Karnataka ... Respondents

Prayer in O.A.No.1088 of 2018: Application filed under Order XIV Rule 8 of Original Side Rules r/w Section 9 of the Arbitration and Conciliation Act, 1996 to pass an order of interim injunction restraining the first respondent from in any manner convening the Annual General Meeting pending adjudication of the Arbitral dispute without following the due process under the constitution and bye laws of the first respondent association between the applicant and the respondent.

Prayer in O.A.No.1089 of 2018: Application filed under Order XIV Rule 8 of Original Side Rules r/w Section 9 of the Arbitration and Conciliation Act, 1996 to pass an order of interim injunction restraining the second respondent from in any manner discharging his duties as Secretary General of the first respondent association pending adjudication of the Arbitral disputes between the applicant and the respondent.

Prayer in O.A.No.187 of 2019: Application filed under Order XIV Rule 8 of Original Side Rules r/w Order 39 Rule 1 and 2 of CPC and Section 9 of the Arbitration and Conciliation Act, 1996 to grant temporary injunction restraining the respondents, their men, agents, assigns jointly or severally from either directly or indirectly interfering with the affairs/activities of the Applicant Federation.

Prayer in O.A.No.188 of 2019: Application filed under Order XIV Rule 8 of Original Side Rules r/w Order 39 Rule 1 and 2 of CPC and Section 9 of the Arbitration and Conciliation Act, 1996 to grant permanent injunction restraining the respondents or anyone claiming through or under them from using the name " Volleyball Federation of INDIA " or "VFI" or any name which is in any manner deceptively similar to the applicant's name and the logo VFI or domain name or website URL "volleyballindia.in" or any other logo, design, website, similar to that of applicant's website URL " volleyballindia.com".

Prayer in O.A.No.189 of 2019: Application filed under Order XIV Rule 8 of Original Side Rules r/w Order 39 Rule 1 and 2 of CPC and Section 9 of the Arbitration and Conciliation Act, 1996 to grant temporary injunction restraining the respondents, all their principle officers, staff, men, agents, servants, successors, assignees, representatives and any other person from passing off itself using the name " VOLLEYBALL FEDERATION OF INDIA " or "VFI" or any name similar or identical to the applicant's name " VOLLEYBALL FEDERATION OF INDIA ".

Prayer in O.A.No.190 of 2019: Application filed under Order XIV Rule 8 of Original Side Rules r/w Order 39 Rule 1 and 2 of CPC and Section 9 of the Arbitration and Conciliation Act, 1996 to grant temporary injunction restraining the respondents jointly and severally, their men, agents or any one claiming through or under them from conducting the

meeting on 23rd February 2019 at Hotel Radisson Blue, Kaushambi, Ghaziabad or anywhere and implementing any decision in the name and style of " Volleyball Federation of INDIA " or " VFI " which indicate or misleads persons into believing that it the applicant which is conducting the said meetings and that the same are duly approved by the Government of India/international body.

Prayer in A.No.2109 of 2019: Application filed under Order XIV Rule 8 of Original Side Rules r/w Section 9 of the Arbitration and Conciliation Act, 1996 to grant an order of direction directing the respondents 1 to 3 to entertain the petitioner and Mr.(Dr.) Bette Gowda, who are Secretary and President of the Karnataka Volleyball Association for participation of all interstate, national and international tournaments, championships, pending disposal of the arbitration proceedings.

Prayer in A.No.2109 of 2019: Application filed under Order XIV Rule 8 of Original Side Rules r/w Section 9 of the Arbitration and Conciliation Act, 1996 to grant an order of stay the appointment of the Adhoc Committee allegedly appointed in the Executive Committee Meeting of the first respondent dated 03.11.2018 and confirmed by the letter dated 05.11.2018 circulated by the 3rd respondent, pending disposal of the arbitration proceedings.

O.A.No.1088, 1089 of 2018

For Applicant : No appearance

For Respondents : Mr. Adeesh Anto
for M/s V.Senkaranarayanan

A.No.2108, 2109 of 2019

For Applicant : No appearance

For Respondents : Mr. Adeesh Anto (for R1 and R3)
M/s Ruchir Mishra and
M/s Veena Suresh (for R2)

O.A.Nos.187, 188, 189 and 190 of 2019

For Applicant : Mr.Adeesh Anto

For Respondent : Mr. M.Sudhan (for R2)
For R1, R3 and R3 - No appearance

COMMON ORDER

The Karnataka Volley Ball Association has filed the original applications in O.A.No.1088, 1089 of 2018 for interim injunctions against the respondents from convening the Annual General Meeting and discharging duties as Secretary General of the Volleyball Federation of

India. The said association has also filed A.No.2108, 2109 of 2019 to stay the operation of the Adhoc Committee and for direction to the respondents to entertain the applicant to participate in all their interstate, national and international tournaments, championships, pending disposal of the arbitration proceedings.

2. The Volleyball Federation of India has filed O.A.No.187, 188, 189 and 190 of 2019 for injunctions against the respondents from interfering with affairs of the applicant's Federation; using the logo and URL of the applicant's Federation; and also conducting the meeting on 23.2.2019 and implementing any decision in the name and style of the applicant's Federation.

3. In O.A.No.1088, 1089 of 2018, this court vide order dated 23.11.2018 has passed an order of Status Quo as on 23.11.2018. Today, no representation on behalf of the applicant namely Karnataka Volleyball Association. The applicant having filed the applications as an interim measure, has not initiated any arbitration proceedings from the year 2018.

The respondent namely the Volleyball Federation of India has also not initiated the arbitration proceedings. Hence, this court is of the view that no semblance of interest shown by either party in referring the matter before the Arbitrator and therefore one cannot take advantage of the interim relief under Section 9 of the Arbitration and Conciliation Act. As both the parties are not interested in referring the matter before the Arbitration, this court is not inclined to pass any order in the applications filed by the Karnataka Volleyball Association as applicant in O.A.No.1088, 1089 of 2018 and A.No.2108, 2109 of 2019 and by the Volleyball Federation of India as the applicant in O.A.No.187, 188, 189 and 190 of 2019.

4. Accordingly, all the applications in O.A.No.1088, 1089 of 2018 and A.No.2108, 2109 of 2019 and O.A.No.187, 188, 189 and 190 of 2019 are closed. No costs.

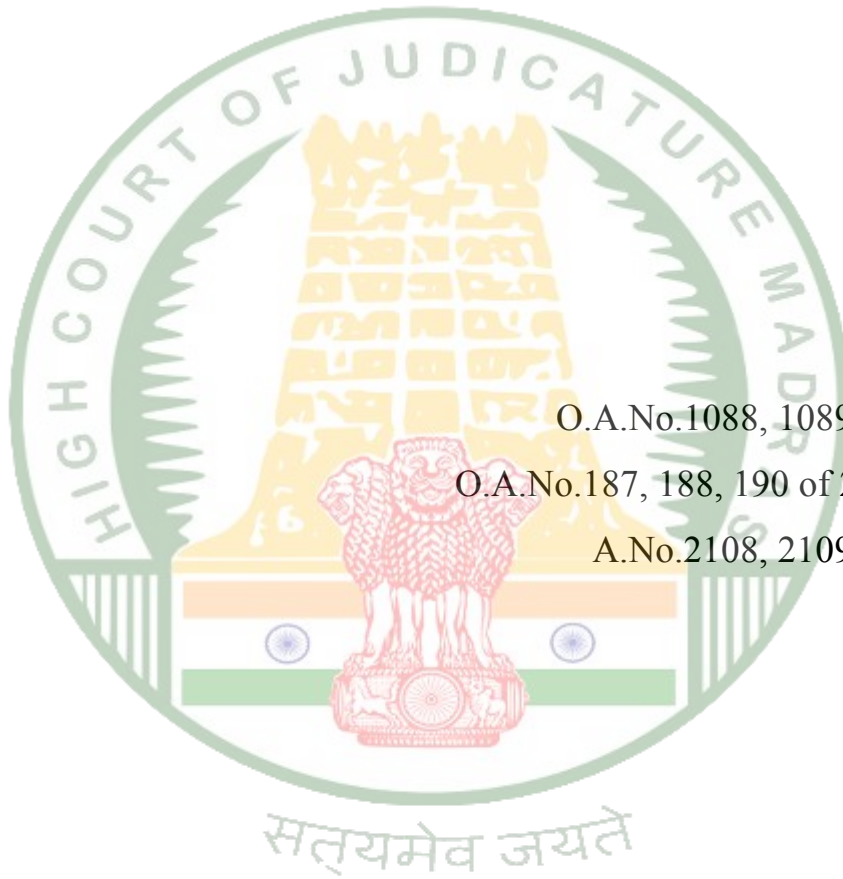
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*O.A.No.1088, 1089/2018 and
O.A.No.187,188,189, 190/2019 and
A.No.2108, 2109/2019*

N.SATHISH KUMAR, J.

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O.A.No.1088, 1089 of 2018

O.A.No.187, 188, 190 of 2019 and

A.No.2108, 2109 of 2019

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