

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****APPEAL FROM ORDER NO. 172 OF 2021
WITH
INTERIM APPLICATION NO. 1744 OF 2021**

Kamlesh Manekji Dand and Ors.

... Appellants
(Orig.Plaintiffs)

V/s.

Safety Appliances Manufacturers Association

... Respondent
(Orig.Defendant)

Mr.Mohit Bharadwaj, Advocate for Appellants.

Mrs.Swati Sharma a/w Smt.Diksha Jain Mundra for Respondent.

CORAM : A.S. GADKARI, J.

DATE : 31st August, 2021.

PC. :

1. Record indicates that, the Annual General Body meeting held on 30th December, 2020 has passed the necessary resolution and the membership of the Appellants/Orig.Plaintiffs has been terminated from the Respondent - Association.

2. Perusal of record further prima facie indicates that, the Trial Court while passing impugned Order has taken into consideration the said aspect and other related aspects while coming to the conclusion that the Appellants herein has no prima facie case. The Trial Court has not committed any error either in law or on facts while passing the impugned Order dated 27th July, 2021.

3. I find no merits in the present Appeal. Appeal is accordingly dismissed.

4. In view of dismissal of Appeal, Interim Application No.1744 of 2021 does not survive and is accordingly disposed off.

5. The aforestated observations are prima facie in nature and are in context of the present Appeal filed under Order 43 of the Code of Civil Procedure impugning the Order dated 27th July, 2021 passed in Notice of Motion No. 25 of 2021 in S.C. Suit No.1349 of 2021.

The Trial Court will not get influenced by the observations made by this Court at the time of conducting trial.

[A.S. GADKARI, J.]

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