

Bhogale

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO.93 OF 2020
WITH
INTERIM APPLICATION NO.3448 OF 2019
WITH
INTERIM APPLICATION NO.385 OF 2020
IN
APPEAL FROM ORDER NO.93 OF 2020**

Manoj Chaturvedi & anr.

.. Appellants

vs.

Indian Motion Picture Producers' Association & ors. .. Respondents

Mr. Ram Upadhyay for the Appellants.

Mr. Ashok M. Saraogi for Respondent Nos.1 to 3.

Mr. Vaibhav V. Ugle for Respondent No.5.

Mr. Anand Mishra for Respondent Nos.9 to 13.

CORAM : M.S.KARNIK, J.

DATE : JUNE 30, 2021

(THROUGH V.C.)

P.C.

Heard learned counsel for the parties.

2. The present Appeal From Order is filed against the impugned order dated 29.11.2019 passed by the Trial Court. The Trial Court was pleased to reject the request for ad-interim relief made by the Plaintiffs. It is the Plaintiffs' case that they are the members of Defendant No.1-Association. Learned counsel contended that only because the Appellants (Original Plaintiffs) opposed the decision of the President appointing a Vice President completely contrary to

the Memorandum of Association, that the President was upset which resulted in initiation of enquiry. It is the case of the Appellants that the President has no power to initiate the enquiry and only the Committee can order the enquiry. He relied upon Clause 17 of the Memorandum of Association which is at page 77 of the paper book.

3. I have gone through the impugned order. Considering that the impugned order was passed as far back on 29.11.2019 and is an order refusing the ad-interim relief, at this stage without interfering with the order, in my view interest of justice would be served if the Trial Court is requested to decide the Notice of Motion itself on merits expeditiously and in any event within a period of six weeks from today.

4. Mr. Upadhyay, learned counsel appearing on behalf of the Plaintiffs on instructions, as well as Mr. Saraogi appearing on behalf of Respondent Nos.1 to 3, assures this Court that they will co-operate with the Trial Court and will not seek any unnecessary adjournments.

5. Needless to mention that the Notice of Motion will be decided on its own merits without being influenced by the observations made in the impugned order. The Appellants and Respondent Nos.1 to 3 (main contesting Defendants) to appear before the Trial Court on 02.07.2021.

6. The Appeal From Order is disposed of. In view of the disposal of the Appeal From Order, nothing survive for consideration in the Interim Applications. The Interim Applications are disposed of accordingly.

(M.S.KARNIK, J.)