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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

CORAM

THE HON'BLE MR. JUSTICE PARESH UPADHYAY
AND

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

O.S.A.No.44 of 2021

Hon'ble Justice (Retd.) R.A.Singh
Returning Officer,
Volleyball Federation of India,
Room No.72, Jawaharlal Nehru Stadium,
Chennai - 600 003
and also at Shashi House, Kotwali Road,
Najibabad 246 763
Uttar Pradesh

.. Appellant

Vs

1. Goa Volleyball Association
Rep. By its Secretary
Raghuvir Mhablu Shinde
No.7 Garden View Complex,
Ponda, Goa 403 401.
2. Volleyball Federation of India,
Room No.72, Jawaharlal Nehru Stadium,
Chennai - 600 003.
3. S.Vasudevan
President
Volleyball Federation of India,
Room No.72, Jawaharlal Nehru Stadium,
Chennai - 600 003.
4. Ramvatar Singh Jakhar,
Secretary General,
Volleyball Federation of India,
Room No.1 & 2, Indoor Stadium,
SMS Stadium, Janpath,
Jaipur - 302 005,
Rajasthan.



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5. Hon'ble Justice (Retd.) V.S.Siradhana
Returning Officer,
Volleyball Federation of India,
Room No. 1 & 2, Indoor Stadium,
SMS Stadium, Janpath,
Jaipur - 302 005 - Rajasthan.

6. Indian Olympic Association,
Rep. By its General Secretary,
Mr.Jajeev Mehta,
Olympic Bhawan B-29
Qutub Institutional Area,
New Delhi - 110 016.

7. Volleyball Association of Uttaranchal,
Called and known as Uttarakhand
Volleyball Association,
Rep. By its General Secretary,
No.2, Inder Road, 1st Floor,
Dalanwala, Dehradun,
Uttarakhand - 248 001.

8. Union of India,
Rep. By its Secretary,
Ministry of Youth Affairs & Sports,
Shastri Bhawan,
New Delhi.

(R7 & R8 suo motu impleaded as
party respondents vide court
order dated 4.3.2021 in OSA No.44/2021)

.. Respondents

Appeal filed under Order XXXVI Rule 11 of Original Side
Rules read with Clause 15 of the Letters Patent against the
decree and judgment dated 11.11.2020 as amended on 21.12.2020
passed in A.No.2640 of 2020 in C.S.No.113 of 2020.

Prayer in A. No.2640 of 2020 : To permit the Plaintiff to
withdraw C.S.No.113 of 2020.

Prayer in C.S.No.113 of 2020:

a) Declaration declaring that the Electoral College List dated
24.02.2020 issued by the 2nd defendant returning officer to be
ultra-virus by laws of the 1st defendant and void and
consequently grant permanent injunction restraining elections
for the 1st defendant from being conducted based on the said
Electoral College list dated 24.02.2020.

b) Declaration declaring that the Electoral College List dated
26.02.2020 issued by the 3rd defendant and 5th defendant returning



officer to be ultra-virus the bylaws of the 1st defendant and void and consequently grant permanent injunction restraining elections for the 1st defendant from being conducted based on the said Electoral College list dated 26.02.2020.

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c) Perpetual injunction restraining the defendants from conducting parallel elections in disregard to the bye-laws of the 1st defendant including by permitting associations/units which are not contained in the official list of the 1st defendant to vote in the elections of the Office Bearers of the 1st defendant;

d) Cost of suit; and

e) such further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and thus render justice.

For Appellant	:	Mrs.N.Fidelia for Mr.R.Vivekananthan
For Respondents	:	Mr.B.Madhan Babu for R1 Mr.P.V.Balasubramaniam for M/s. BFS Legal for R2 & R4 Mr.Cibi Vishnu for R6 Mr.Avinash Wadhvani for R7 R3, R5 and R8 - No appearance

JUDGMENT

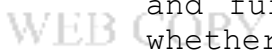
(Delivered by PARESH UPADHYAY, J.)

This appeal arises from the judgment and decree passed by learned Single Judge in C.S.No.113 of 2020 dated 11.11.2020.

2. Suit was filed by the Goa Volleyball Association praying for certain reliefs. The said suit was unconditionally withdrawn.

3. Learned advocates for the respective parties have addressed the Court at length, including on the merits of the matter. Much is said about some of the observations in the order of learned Single Judge, more particularly, para 17 thereof and the proceedings arising there from, including contempt proceedings.

4. Learned advocates have further stated that, though the suit was sought to be withdrawn unconditionally, since some of



5. Once the suit was sought to be withdrawn unconditionally and further when the same was being permitted to be withdrawn, whether any observation (as contained in paragraph 17 of the order) was required or not may be an issue, however keeping in view the above submissions and further the order dated 02 September, 2021 on this appeal, which is quoted hereinafter, this Court finds that ends of justice would meet if the parties take recourse to file appropriate application before learned Single Judge, for clarification and or modification. We are informed that the present appellant has already moved such an application, which learned advocate for the appellant informs that, is at some procedural stage.

"The appellant is the fourth defendant in the suit. Aggrieved by certain observations made in the judgment dated 11.11.2020, particularly in Paragraph No.17 of the judgment passed by the learned Single Judge, the present appeal has been filed.

3. It appears that a contempt petition was filed by the first defendant in the suit. If the appellant is aggrieved by the observations made in the judgment passed by the learned Single Judge, it is open to him to take it up to the learned Single Judge seeking to clarify the same. Having filed the present appeal against the said judgment, the respondents in the appeal trying to argue the suit, which is not before us, to establish their rights.

Post the matter on 07.10.2021."



7. In view of above, no further order needs to be recorded on this appeal.

8. The Original Side Appeal is disposed of in the above terms. No costs. C.M.P.Nos. 1283 and 3077 of 2021 are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ssm

To

1. The Sub Assistant Registrar,
Original Side,
High Court, Madras.
2. The Secretary,
Union of India,
Ministry of Youth Affairs & Sports,
Shastri Bhawan, New Delhi.

O.S.A.No.44 of 2021

RGN (CO)
K.RK. (11.11.2021)