

Item-65.	28-11-2022	SAT 146 of 2016 CAN 1 of 2016 (old CAN 5619 of 2016)
sg	Ct. 8	Bharwarlal Bhandari Versus Calcutta Cosmopolitan Club Ltd.

This matter appeared in the warning list on 16th November, 2022 with a clear indication that the appeal shall be transferred to the daily list on 21st November, 2022.

The appellant is not represented nor any accommodation is prayed for on behalf of the appellant, although, the appellant has sufficient knowledge and notice of the listing of this matter. This appeal was filed in the year 2016 but since then no attempt has been made to move this appeal. The defects have also not been removed.

The Additional Stamp Reporter in his report dated 25th April, 2016 has stated that the second appeal has been preferred with deficit court fees. The appellant did not take any step to remove the defects for the last six years.

The appellate decree dated 18th January, 2016 affirming the judgment and decree dated 10th September, 2008 in a suit for declaration and perpetual injunction is the subject matter of the second appeal.

In the suit, the plaintiff has challenged the order of suspension dated 11th November, 1999 and the order of termination dated 17th December, 1999. The ground taken for challenging the termination of membership was that the said decision was not taken in the extraordinary general meeting. However, exhibit-A i.e. the Memorandum and Articles of

Association of the respondent club was relied upon by the learned Trial Judge to reject the said submission as it would be evident from the relevant articles that for termination of membership, no extraordinary general meeting is required. The President or the Vice-President or the Honorary Secretary in the meeting deciding suspension or termination is also not required under the relevant articles.

The First Appellate Court in deciding whether suspension and termination of membership was illegal, has taken into consideration the well-settled principle that the learned Civil Court has a limited jurisdiction to inquire into the internal affairs of the club and unless it is found that the decision is in violation of the principles of natural justice or tainted with biased bad faith or like, the court shall not interfere with the decision of a club.

Both the courts found that there are materials based on which show-cause notice was issued which ultimately resulted in aspersion or termination of the membership.

The concurrent finding of facts based on such documentary and oral evidence does not require to be interfered with in the second appeal.

The second appeal stands dismissed. However, there shall be no order as to costs.

In view of the dismissal of the second appeal, CAN 1 of 2016 (old CAN 5619 of 2016), accordingly, stands dismissed.

(Uday Kumar, J.)

(Soumen Sen, J.)