



CRP No.538 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 14.10.2022

C O R A M

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU

Civil Revision Petition No.538 of 2019
and CMP No.3563 of 2019

1.B.Thiruchandiran

2.R.Ilangovan

3.P.Kumar

4.M.Julien

5.S.Kandasamy

.. Petitioners/Defendants/Petitioners

Vs

1.Pondicherry Football Association

(Reg No.41/66 Esd' 1962)

Rep. by Honorary Secretary

S.Dhanasegar

2.N.Nestore

.. Respondents/Plaintiffs/Respondents

Prayer: Civil Revision Petition is filed to set aside the order dated 02.08.2018, passed in I.A.No.721 of 2015 in O.S.No.452 of 2015, on the file of First Additional District Munsif Court, Pondicherry, by allowing the Revision Petition.



WEB COPY



CRP No.538 of 2019

For Petitioners .. Mr.T.S.Baskaran

For Respondents .. Mr.D.Ravichandran

ORDER

The Civil Revision Petition is filed against the order dated 02.08.2018 passed in I.A.No.721 of 2015 in O.S.No.452 of 2015 on the file of the I Additional District Munsif Court, Puducherry.

2. The petitioners are the defendants and the respondents in the suit.

3. The case of the plaintiffs before the trial Court is as follows:

The plaintiffs are the Pondicherry Football Association registered under the Societies Registration Act. In order to convene a general body meeting, for declaration and for other reliefs, the plaintiffs approached the trial Court by filing O.S.No.452 of 2015. Pending suit, the plaintiffs filed I.A.No.144/2015 seeking for an interim injunction restraining the defendants from conducting any special general body meeting on 01.03.2015. On hearing the defendants, interim injunction came to be



CRP No.538 of 2019

passed, which was subsequently vacated by order dated 28.04.2015, against which, an appeal came to be filed in CMA No.4/2015 before the Additional Subordinate Judge, Puducherry. By judgment dated 26.03.2018, CMA No.4/2015 came to be dismissed, thereby confirming the order vacating the interim injunction. Since the petition to convene a general body meeting was dismissed, the defendants convened a meeting, wherein, it was resolved to conduct an election as per the procedure contemplated. As per the decision taken in the said meeting, the names of the President and Treasurer, viz., the name of the plaintiffs were removed. However, without challenging such removal, the plaintiffs filed I.A.No.472/2015 seeking for a relief of restraining the defendants from conducting the general body meeting and election, which was scheduled on 28.06.2015. When there was no challenge to the removal of their names as President and Treasurer and the conduct of general body meeting, the suit has become infructuous. In the said I.A.No.472/2015, an order of interim injunction was granted, which came to be suspended by the order of this Court dated 26.06.2015 in CRP No.2526 of 2015 with a direction to the defendants not to publish the results until further orders from this Court. As such, elections were conducted on 28.06.2015 and



CRP No.538 of 2019

pursuant to the order of this Court, the results were withheld. Therefore, the defendants filed I.A.No.473/2018 to restrain the plaintiffs from convening a general body meeting on 24.06.2018 or any other dates. While that being so, the defendants filed I.A.No.721/2018 seeking to dispose the suit having become infructuous. A counter came to be filed by the plaintiffs resisting the said application stating that the reliefs that have been passed in the suit was still persist.

4. A common order came to be passed in the said I.A.Nos.472/2015, 473/2018 and 721/2018, whereby, the parties to the dispute are directed to approach the All India Football Federation for their appropriate reliefs. Challenging the said dismissal order, the present Civil Revision Petition came to be filed by the defendants.

5. Heard the learned counsel for the petitioner/defendants and the learned counsel for the respondents/plaintiffs.

6. The learned counsel for the petitioners/defendants submitted that when the interlocutory applications were dismissed on the ground that the



CRP No.538 of 2019

WEB COPY

civil Court has no jurisdiction, it ought to have dismissed the suit as barred under law. Without doing so, the trial Court has erred in coming to the conclusion that the parties to the dispute have to approach the All India Football Federation, without the suit being dismissed. It is further submitted that when the memorandum of association of the Pondicherry Football Association and as per the bye-laws of the All India Football Federation, the dispute among the members can be resolved by other forum and not invoking the civil Court jurisdiction, the common order passed by the trial Court is liable to be set aside by holding that the suit itself is not maintainable, as per the memorandum of association and the byelaws.

7. However, the said contentions are refuted by the respondents/plaintiffs stating that in view of the bar contained under Section 8 of the Arbitration and Conciliation Act, referring the parties to the arbitration cannot be sustained. It is further submitted that after several round of litigations before various fora, the defendants cannot now turn around and raise the contention to refer the parties before the arbitration have to be rejected. Moreover, the above Interlocutory



CRP No.538 of 2019

application was filed under Section 151 of the Code of Civil Procedure to dismiss the suit, after much water has flowed under the bridge. However, the said petition is neither filed under Section 8 of the Arbitration and Conciliation Act nor filed to dismiss the suit on the ground of suit being covered by arbitration clause and hence, prayed to dismiss the petition.

8. The dispute between the plaintiffs and the defendants has a checkered history. In the case on hand, the plaintiff association is affiliated to the All India Football Federation and hence, the constitution of All India Football Federation is applicable to the plaintiff association. Under Article 47 of the said Constitution, 6 types of judicial bodies are framed, namely, disciplinary committee, appeal committee, ethics committee, player status committee, club licensing appeals body committee appointed by regulate competitions. Further Part VIII of the said constitution Articles 54, 55 and 56 of the above constitution reads as follows:

Article 54 :

The All India Football Federation recognizes the jurisdiction of the



CRP No.538 of 2019

Court of Arbitration for Sports (CAS) and the international Council of Arbitration for Sports (ICAS) with headquarters to Lausanne (Switzerland) to resolve the disputes between AIFF, members, affiliated Units, Competitions, clubs, Players, Officials, intermediaries and licensed match agents.

Article 55:

Appeals against final decisions passed by AIFF's judicial bodies shall be lodged with CAS within 21 days of modification of the decision in question.

2.Recourse may only be made to CAS after all previous stages of appeal available to the level of AIFF, member, affiliated Unit and club have been exhausted.

...

Article 56 (1) :

The members association and their affiliated units, clubs, leagues, and all other natural or legal persons affiliated to them, agree to recognize the jurisdiction of CAS;

(2) Recourse to ordinary courts of law is prohibited unless



CRP No.538 of 2019

specifically provided for in the AIFF regulations. Recourse to ordinary courts of law for all types of provisional measures is also prohibited.

(3) the member association shall insert a clause in their statutes or regulations, stipulating that it is prohibited to take disputes in the association or disputes affecting leagues, members of leagues, clubs, members of clubs, players and officials to ordinary courts of law, unless the statutes or binding legal provisions specifically provide for or stipulate recourse to ordinary courts of law. Instead of recourse to ordinary courts of law, such disputes shall be referred to the relevant judicial body of AIFF.

(4) In case, AIFF is made party to any dispute, the jurisdiction will be of the competent courts in Delhi.

9. In view of the above, when the Articles 54 to 56 of the said Constitution stipulate for approaching the All India Football Federation, this Court has no hesitation in holding that the findings rendered by the trial Court needs no interference at the hands of this Court. Considering the submissions made on either side, this Court is of the opinion that if the suit itself is directed to be disposed of by the trial Court, the interest



CRP No.538 of 2019

of justice would be served.

WEB COPY

10. In the result, this Civil Revision Petition is dismissed with a direction to the trial Court to dispose of the suit within a period of four months from the date of receipt of a copy of this order. No costs. Consequently connected Miscellaneous Petition is closed.

14.10.2022

Index : Yes/No
Internet : Yes
RR

To
1.First Additional District Munsif Court,
Pondicherry



WEB COPY



CRP No.538 of 2019

J.NISHA BANU, J.

RR

Civil Revision Petition No.538 of 2019
and CMP No.3563 of 2019

14.10.2022