

17.05.2023
KC(7)

F.M.A.T. 229 of 2023
Lav Jhingan and Anr.
-versus-
Suvranshu Sinha Roy and Ors.
With
CAN 1 of 2023
With
CAN 2 of 2023

Mr. Abhrajit Mitra, Sr. Adv.,
Mr. Debanjan Mandal,
Mr. Biswajit Kumar,
Mr. S. Mitra,
Mr. Soumabho Ghose,
Mr. Debayan Sen,
Mr. Raja Baliyal.....For the appellants.

Certified copy of the impugned judgment and order filed in court today is taken on record.

This appeal concerns the Calcutta Cricket and Football Club (CCFC). It is perhaps the oldest in India and has a very rich heritage.

This appeal is moved ex parte by Mr. Abhrajit Mitra, learned senior advocate for the appellant/plaintiff on the ground that the application for interim relief before the learned court below by the same party was also moved and entertained ex parte. The ad-interim order of injunction sought in that application was refused, in spite of an observation by the learned judge that the appellant/plaintiff had been able to make out a prima facie case.

It appears from the submission of Mr. Mitra that the functioning of the club is in total disarray. The

respondent nos. 2 to 12 are committee members. The allegation is that out of them, the respondent nos. 7 to 12 have wrongfully purported to take control of the affairs of the club to the extent of re-constituting committees, threatening committee members with disciplinary action and in other ways exercising wrongful control over the club. So much so that the respondent no. 13, the President of the club was forced to resign.

If the wrong doing by the respondent nos. 7 to 12 is permitted to continue, it would cause further detriment to this heritage institution, it was submitted by Mr. Mitra.

Mr. Mitra submits that an early election under the supervision of the court is the solution to this problem.

A prima facie case is made out. It was to some extent appreciated by the learned judge. Yet no interim order of protection was passed and the application was made returnable upon service to the respondents.

We are of the view that by the time the application is served and heard out in the presence of the respondents more damage is likely to be caused by them to the club.

Considering all the above circumstances, we direct that status quo regarding the status of each and every member of the club particularly the sports section and the committee members shall not be altered in any

way by the respondent nos. 7 to 12 themselves or through the club. Smooth day to day running of the club shall be maintained by the existing committees.

The application is to appear on 7th June, 2023, before the learned court below according to its direction. The learned judge shall be free to deal with the application in the presence of the respondents and pass any order in addition to or in variance of this order after careful consideration of the arguments advanced by the parties.

This appeal and the connected applications are disposed of, after dispensing with all formalities.

(I.P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)