



O.A.No.759 of 2022

SENTHILKUMAR RAMAMOORTHY, J.

This application is filed by the claimant in Arbitration Case No.1 of 2020 pursuant to award dated 07.03.2021. By the said award, the arbitral tribunal disposed of the dispute on the following terms:

“27. Accordingly, an award is passed on the following terms:

a) The resolution passed by the Executive Committee of the respondent in the meeting held on 2.11.2016 suspending the claimant from the respondent's membership pending disciplinary proceedings is held lawful and valid.

b) The continued suspension of the claimant from the Respondent's membership without initiation of disciplinary proceedings is held invalid and is quashed.

c) The parties shall bear their respective costs.”

2. Learned senior counsel for the applicant states that a communication dated 30.07.2021 was issued to the respondents calling upon the respondents to reconsider all pending applications for registration since the suspension had been quashed. After asking for and receiving a



copy of the arbitral award, it is stated that the respondent failed to comply with the request of the applicant. Therefore, the present application was filed.

3. In response, learned senior counsel for the respondent points out that the applicant had prayed for two substantial reliefs. The said reliefs are as under:

“XVIII. The Claimant therefore prays that this Tribunal may kindly be pleased to pass an award:

(a) declaring that the minutes of the meeting held on 2.11.2016 and the resolution passed by the then Executive Committee members of the Respondent with regard to suspending the life membership of the Claimant in the Respondent Club without issuing any show cause notice and without following the procedures of bye-law is illegal, unlawful and non-est in the eye of law and that no right whatsoever shall emanate thereto,

(b) for permanent injunction restraining the Respondent or their agents or anyone claiming any right through them from in any manner giving effect to the resolution dated 2.11.2016 passed by the Executive Committee members of



the Respondent herein pertaining to the suspension of the life membership of the claimant in the Respondent Club either by denying the Claimant's right to register older/puppies/dogs bred by him, or to register the transfer of ownership of such puppies to others or get the ownership of such puppies transferred from others or to register the dogs imported from other countries or sign Stud forms and/or to deny any rights, privileges available to such other life members of the Respondent in any other manner.”

Upon adjudicating these claims, he pointed out that the arbitral tribunal categorically concluded that the suspension of the claimant by resolution passed on 02.11.2016 was lawful and valid. He also pointed out that the arbitral tribunal only interfered with the continued suspension without conducting an enquiry. In fact, he draws my attention to the express conclusion of the arbitral tribunal that all other reliefs prayed for by the claimant are rejected.

4. Without prejudice to the right of the respondent to conduct an enquiry in accordance with its bye laws, learned senior counsel states that applications for registration submitted by the applicant after the pronouncement of the award would be duly considered in accordance with



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the bye law/ rules of the respondent. As regards pending applications, it is stated that the bye laws and rules of the respondent do not provide for the registration of the owner of the pups/litter/dogs after the lapse of about four months. However, he submits that the bye laws provide for the registration of the name of the breed subject to due verification in such regard.

5. In paragraph 29 of the counter, it is stated as follows:

“29. After the learned arbitrator's award the applicant can have his pups/litter/dogs registered. But there cannot be any retrospective registration of dogs/pups that were not registered during the suspension of the applicant in his name. The applicant herein is not entitled to seek this remedy in the above O.A. in this Hon'ble Court.”

6. The present application may, therefore, be disposed of in terms of paragraph 29 of the counter and the statement made on instructions by learned senior counsel that pending applications for registration would also be considered as per the bye laws of the respondent.

7. The original application is disposed of on the above terms.



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