GAHC010153542022

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Civil)/2362/2022

BHRAMAR KUMAR MAHANTA
RESIDENT OF FLAT NO. 1A AND 1B, MENALKA APARTMENTS, R.G. BARUAH ROAD, GUWAHATI, DISTRICT KAMRUP(M), ASSAM, PIN 781024.

VERSUS

SRI P.K.CHOWDHURY, IAS (RETD) AND 4 ORS.
PRESIDENT OF GUWAHATI GYMKHANA CLUB, GUWAHATI TEA AUCTION CENTRE BUILDING, DISPUR, GUWAHATI- 6 AND R/O- H NO. 38A, GITA NAGAR ZOO NARANGI ROAD, GUWAHATI- 24, DIST- KAMRUP (M), ASSAM.

2:MANTU BORA

HONY JOINT SECY OF THE GUWAHATI GYMKHANA CLUB MANAGING COMMITTEE SITUATED AT GUWAHATI TEA AUCTION CENTRE BUILDING
DISPUR
GUWAHATI- 6
AND RESIDENT OF BASISTHA
BELTOLA ROAD
BELTOLA TINIALI
GUWAHATI- 28
DIST- KAMRUP(M)
ASSAM.

3:SRI SOURAV MAHANTA

HONY TREASURER OF GUWAHATI GYMKHANA CLUB MANAGING COMMITTEE
SITUATED AT GUWAHATI TEA AUCTION CENTRE BUILDING
DISPUR
GHY-6 AND RESIDENT OF BASISTHA BELTOLA ROAD

BELTOLA TINIALI
GHY- 28
DIST- KAMRUP(M)
ASSAM

4:PRASANTA KUMAR BARUAH
S/O- SRI UMESH CHANDRA BORUAH
H NO. 8
SURUJ MUKHI PATH
R G BARUAH ROAD
GUWAHATI- 5
DIST- KAMRUP(M)
ASSAM
PIN- 781008.

5:THE GUWAHATI GYMKHANA CLUB

A SOCIETY REGISTERED UNDER SOCIETY REGISTRATION ACT
1860
HAVING ITS REGISTERED OFFICE AT GUWAHATI TEA AUCTION CENTRE BUILDING
DISPUR
GUWAHATI- 781006. REPRESENTED BY ITS HONY. SECRETARY SRI KAMAL CHANDRA DAS

Linked Case :

SHRI P.K CHOWDHARY
IAS AND 2 ORS.

VERSUS

SRI PRASANTA KUMAR BARUAH AND ANR. A

Linked Case : CRP(IO)/244/2019

P.K.CHOWDHURY AND 2 ORS.
PRESIDENT OF GUWAHATI GYMKHANA CLUB
GUWAHATI TEA AUCTION CENTRE BUILDING
DISPUR
GUWAHATI- 6 AND R/O- H NO. 38A
GITA NAGAR ZOO NARANGI ROAD
GUWAHATI- 24
DIST- KAMRUP (M)

ASSAM

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GHY- 28
DIST- KAMRUP(M)
ASSAM
VERSUS

PRASANTA KUMAR BARUAH AND ANR.
S/O- SRI UMESH CHANDRA BORUAH
H NO. 8
SURUJ MUKHI PATH
R G BARUAH ROAD
GUWAHATI- 5
DIST- KAMRUP(M)
ASSAM
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2:THE GUWAHATI GYMKHANA CLUB
A SOCIETY REGISTERED UNDER SOCIETY REGISTRATION ACT
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HAVING ITS REGISTERED OFFICE AT GUWAHATI TEA AUCTION CENTRE BUILDING
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GUWAHATI- 781006.
REPRESENTED BY ITS HONY. SECRETARY SRI KAMAL CHANDRA DAS.

Linked Case : I.A.(Civil)/2363/2022

BHRAMAR KUMAR MAHANTA
RESIDENT OF FLAT NO. 1A AND 1B
MENALKA APARTMENTS
R.G. BARUAH ROAD
GUWAHATI
DISTRICT KAMRUP(M)
ASSAM
PIN 781024.

VERSUS

SRI P.K.CHOWDHURY
IAS (RETD) AND 4 ORS.
PRESIDENT OF GUWAHATI GYMKHANA CLUB
GUWAHATI TEA AUCTION CENTRE BUILDING
DISPUR
GUWAHATI- 6 AND R/O- H NO. 38A
GITA NAGAR ZOO NARANGI ROAD
GUWAHATI- 24
DIST- KAMRUP (M)
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HONY JOINT SECY OF THE GUWAHATI GYMKHANA CLUB MANAGING COMMITTEE SITUATED AT GUWAHATI TEA AUCTION CENTRE BUILDING
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GUWAHATI- 6
AND RESIDENT OF BASISTHA
BELTOLA ROAD
BELTOLA TINIALI
GUWAHATI- 28
DIST- KAMRUP(M)
ASSAM.
3:SRI SOURAV MAHANTA

HONY TREASURER OF GUWAHATI GYMKHANA CLUB MANAGING COMMITTEE
SITUATED AT GUWAHATI TEA AUCTION CENTRE BUILDING
DISPUR
GHY-6 AND RESIDENT OF BASISTHA BELTOLA ROAD
BELTOLA TINIALI
GHY- 28
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4:PRASANTA KUMAR BARUAH
S/O- SRI UMESH CHANDRA BORUAH
H NO. 8
SURUJ MUKHI PATH
R G BARUAH ROAD
GUWAHATI- 5
DIST- KAMRUP(M)
ASSAM
PIN- 781008.
5:THE GUWAHATI GYMKHANA CLUB

A SOCIETY REGISTERED UNDER SOCIETY REGISTRATION ACT
1860
HAVING ITS REGISTERED OFFICE AT GUWAHATI TEA AUCTION CENTRE BUILDING
DISPUR
GUWAHATI- 781006. REPRESENTED BY ITS HONY. SECRETARY SRI KAMAL CHANDRA DAS.

Linked Case : I.A.(Civil)/1706/2021

P. K CHOWDHARY
IAS (RETD.) AND 2 ORS.
PRESIDENT
GUWAHATI GYMKHANA CLUB
SITUATED AT GUWAHATI TEA AUCTION CENTRE BUILDING
DISPUR
GHY-6
RESIDENT OF HOUSE NO. 28-A
GITA NAGAR
ZOO NARENGI ROAD
GHY-24
DIST.- KAMRUP(M)
ASSAM

2: MANTU BORA
HONY. JOINT SECRETARY
GUWAHATI GYMKHANA CLUB MANAGING COMMITTEE
GUWAHATI TEA AUCTION CENTRE BUILDING
DISPUR
GHY-6
BELTOLA TINIALI
GUWAHATI-28
DIST.- KAMRUP(M)
ASSAM

3: SOURAV MAHANTA

HONY. TEASURER
GUWAHATI GYMKHANA CLUB MANAGING COMMITTEE
GUWAHATI TEA AUCTION CENTRE BUILDING
DISPUR
GHY-6
RESIDENT OF BASISTHA
BELTOLA ROAD
BELTOLA TINIALI
GUWAHATI-28
DIST.- KAMRUP(M)
ASSAM
VERSUS

PRASANTA KUMAR BARUAH AND ANR.
S/O.- SRI UMESH CH. BARUAH
HOUSE NO. 8
SURAJMUKHI PATH
R.G. BARUAH ROAD
GHY-05
PIN- 781008
DIST.- KAMRUP(M)
ASSAM

2:THE GUWAHATI GYMKHANA CLUB
A SOCIETY REGISTERED UNDER SOCIETIES REGISTRATION ACT
1860
HAVING ITS REGD. OFFICE AT GUWAHATI TEA AUCTION CENTRE
BUILDING
DIPSUR
GHY-781006
REP. BY ITS HONY. SECRETARY
SRI KAMAL CHANDRA DAS.

For the Applicant (s) : Mr. B. D. Deka,, Advocate

For the respondent (s) : Mr. A. Biswas, Advocate
Mr. S. Dutta, Sr. Advocate
Ms. K. Phukan, GA, Assam
Mr. T. Deuri, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH

04.03.2024

The instant proceedings, i.e. CRP(IO) No.244/2019 arises of an order dated 23.05.2019 passed by the learned Civil Judge No.1, Kamrup at Guwahati in Title Suit No.357/2015 whereby the learned Civil Judge No.1, Kamrup at Guwahati, i.e. the learned Trial Court allowed the amendment to the plaint and further rejected the application filed under Section 151 of the CPC for dismissal of the suit. Pursuant to the said order being passed and the instant proceedings being filed, an order was passed on 27.08.2019 whereby a consensus order was passed to the effect that the election of Guwahati Gymkhana Club which is a registered Society under the Societies Registration Act, 1860 would be held as per the Rules of the said Society. It is further seen that there are various applications filed thereupon insptie of the fact that CRP(IO)No.244/2019 was disposed of vide the order dated 27.08.2019. It is also very interesting to take note of that on 11.01.2021, the Title Suit No.357/2015 which was the basis on which the proceedings was initiated before this Court being CRP(IO) No.244/2019 was disposed of as infructuous vide an order dated 11.01.2021. Therefore, taking into account that the entire edifice of the proceedings, i.e. Title Suit No.357/2015 no longer being in existence, the various proceedings filed before this Court have become redundant.

2. This Court further makes it clear that the orders other than the order dated 27.08.2019 thereafter had become redundant and as such any Committee constituted thereupon on the basis thereof has also become

nugatory.

3. Considering the above, this Court dismisses all the applications filed before this Court as the same have become redundant.

4. Be that as it may, the dismissal of all the proceedings would not preclude the parties before this Court to file appropriate application for violation of the order dated 27.08.2019 as well as also taking steps before the Registrar of Firms or file a fresh suit, if so advised.

JUDGE

Comparing Assistant