

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO. 213 OF 2024
WITH
INTERIM APPLICATION NO. 6532 OF 2024
IN
APPEAL FROM ORDER NO. 213 OF 2024**

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Cine Costume, Make-Up Artists & Hair
Dressers Association (CCMA & HDA) and Anr. ..Appellants
Vs.
Sharad Devram Shelar and Ors. ..Respondents

Adv. C. J. Jadhav i/b. Adv. Ashok D. Shetty for the Appellants.
Adv. A. S. Peerzada i/b. Adv. Iqbal Shaikh for the Respondents No. 1 to 5, 7,
9, 11, 13, 14 & 16.

CORAM : M. M. SATHAYE, J.

DATED : 14th DECEMBER 2024

P.C.:

1. Heard learned Counsel for the parties.
2. This Appeal from Order is filed challenging the impugned orders dated 01/03/2024 passed in Notice of Motion No. 82 of 2024 and below Exhibit-19 in S.C. Suit No. 1045 of 2019 both by City Civil Court, Borivali Division, Dindoshi, thereby rejecting the motion and application Ex. 19. Motion was filed to appoint Court Commissioner or Registrar of Trade Union or its representative as Returning Officer to conduct the election of the Appellant Association in accordance with law and to restrain the Respondent Nos. 1 to 15 from unilaterally issuing or declaring any schedule or declaring any election of the Association for the term of 2024 to 2027. The Appellants had also prayed for direction to the Respondent Nos. 1 to 15 to provide

necessary membership list etc. for conducting the election including allegedly expelled or suspended members and seeking further direction to signatories of the Associations' bank account to provide necessary funds for meeting with the expenses of the election. Application Ex. 19 was filed to restrain Respondent Nos. 1 to 15 from proceeding with election program as declared on 17.02.2024.

3. Learned Counsel for the Respondents invited this Court's attention to the affidavit-in-reply filed on 12/12/2024 placing on record that on 10/03/2024 i.e. within 10 days after passing of the impugned orders of rejection, the election has taken place as per schedule which was already announced on 17/02/2024 and a committee of a President, two Vice-presidents, a General Secretary, a Treasurer, two Joint Secretaries and 8 members, has already been elected. He submitted that the said fact is also duly communicated to the Deputy Registrar under Trade Unions Act.

4. Learned Counsel for the Applicants submitted that this election is illegal according to the Applicants and the currently elected body should be restrained from dealing with the bank accounts of the Association.

5. Learned Counsel for the Respondents contends that the election cannot be challenged in the Civil Court and there is separate procedure contemplated under the Trade Unions Act. This position is disputed by learned Counsel for the Appellants as he asserts that the case of the Appellants falls under the exception provided under provisions of the said Act. Be that as it may.

6. Considering the nature of the interim reliefs that were sought and not granted, and considering that during the pendency of the Appeal from

Order, the election of Appellant Association for the term from 2024 to 2027 has already taken place, apparently, the prayers in the motion are worked out.

7. Therefore, without expressing any opinion on the merits of the matter and on the rival contentions, this **Appeal from Order is disposed of** with liberty to the Appellants to adopt appropriate proceedings to challenge the election dated 10/03/2024, as permissible under law. Such proceedings shall be decided on its own merits and in accordance with law, without being influenced by the observations in the impugned order. Rival contentions of both sides are kept open.

8. Pending Interim Application is also disposed of in above terms.

(M. M. SATHAYE, J.)