



WEB C.V.KARTHIKEYAN, J.

The learned counsel for the applicants is not present. But perusal of the record show that the applicants had not come to Court with clean hands. Therefore, the Court has no other option but to proceed further with passing orders.

2.The learned counsel for the counsel applicant had sought time on 18.04.2024 to produce the certified copies of the bye-laws of the respondent association.

3.This petition has been filed taking advantage of Section 9 of Arbitration and Conciliation Act, seeking to stay the resolutions passed by the respondent Association namely, Infiniti Owners United Association on 27.08.2023 in its Seventh Annual General Meeting. It had been stated that, if there are any dispute among the members the dispute should be referred to arbitration. Along with the petition, an unsigned copy of the bye-laws had been produced. Not convinced with the genuinity of the copies, a learned Single Judge of this Court by an order dated 04.03.2024 had directed the applicants to produce original / certified copies of the bye-laws.



4.The matter was then listed on 27.03.2024. Again the bye-laws as directed was not presented. It was again listed on 18.04.2024, again time was sought to produce the certified copy of the bye-laws. It was again listed on 12.06.2024 and again the certified copy has not been produced and it is listed today. Again the certified copy has not been produced and there is no appearance on behalf of the applicants. It is clear that the learned counsel for the applicants is deliberately avoiding presence in the Court.

5.On the side of the respondent, a xerox copy of the certified copy of the bye-laws had been produced and it is seen that there is no clause to refer the dispute to arbitration.

6.It must also be kept in mind that the said Association namely, Infiniti Owners United Association, is a society registered under the Societies Registration Act, 1860. The Societies Registration Act, 1860 is an inbuilt enactment, wherein, if there are disputes among the members, the manner in which such dispute should be addressed had been given in the Act itself. There is no provision for appointment of Arbitrator. The petitioner had clearly come to the Court on the basis of a document created for the purpose of obtaining orders unlawfully and illegally. The bonafide of the applicants are suspect.



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Accordingly, this Arbitration Application stands dismissed.

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Arb.Appln.No.645 of 2023

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