

Court No. 6
(265719)

18.07.2025
(AD 9)
(S. Banerjee)

CO 2499 of 2025

Subrata Banerjee
Vs.
Anil Bhargava & Ors.

Mr. Supratick Syamal
Ms. M. Das

... for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against a judgment and order dated April 23, 2025, passed by the learned Additional District Judge, Fast Track-2nd Court at Sealdah in Miscellaneous Appeal No. 19, 2024. By the judgment and order impugned, the miscellaneous appeal stood dismissed and the order of temporary injunction passed by the learned trial judge was affirmed.

Learned advocate appearing for the petitioner submits that the learned Judge of the appellate court made out a third case which is, neither the case of the plaintiff nor the case of the defendant, while dismissing the miscellaneous appeal.

The petitioner filed a suit for declaration that the action of the defendant in representing himself as the Secretary of the Bengal Taekwondo Association is illegal and bad in the eye of law and for permanent

injunction restraining the defendants from representing himself as the Secretary or office bearer of the said association and for mandatory injunction directing the defendant to handover all documents including the bank related document of the said association.

The petitioner herein filed an application under Order 39 Rule 1 and 2 of the Civil Procedure Code praying for an order of injunction restraining the defendants from representing himself as the Secretary of the said association and for mandatory injunction directing the defendants to handover all the documents relating to the society to the plaintiff.

The learned trial judge after considering the materials on record arrived at a prima facie finding that since the filing of the suit, a committee has already been formed to look into the affairs of the association which is recognized by the Ministry of Youth Affairs and no document was produced by the plaintiff with regard to the fact that the plaintiff has in fact being a member of the said committee. On the basis of such prima facie finding the learned trial judge rejected the application for temporary injunction.

Being aggrieved the petitioner preferred a miscellaneous appeal. The learned judge of the

appellate court after considering the materials on record arrived at a finding that the plaintiff could not produce any document to substantiate that he is a member of the State Committee which has been duly approved. The learned judge of the appellate court also took note of the observation of the Returning Officer wherein it was observed that the 'Samanta Group' are not in actual control of the association and the 'Bhargava Group' was allowed to vote in 2016 election. The learned judge of the appellate court also noted that the suit was filed at a belated stage only in September, 2022 and the 'Samanta Group' also did not offer any explanation as to why no steps to safeguard their interest to have their name included in the record of the Registrar of Firms and Societies was taken.

After going through the materials on record, this court finds that the learned trial judge as well as the learned judge of the appellate court after considering the materials on record assigned cogent reasons for rejecting the application for temporary injunction.

This court does not find any reason to interfere with the same. The learned Civil Judge (Jr. Division) 1st Court at Sealdah is requested to make an endeavour to dispose of the Title Suit No. 366 of 2022

as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

With the above observations CO 2499 of 2025 stands disposed of.

(Hiranmay Bhattacharyya, J.)