

09.12.2025

Item no.DL 21
Court No. 16

Asraf, A.R.(Ct.)

In the High Court at Calcutta

Civil Appellate Jurisdiction

Appellate Side

Case No. **FMAT 370 of 2025**
(Assigned)
with
CAN 1 of 2025

In the matter of :

MAHADEB CHAKRABORTY

.... Appellant

VS.

THE CRICKET ASSOCIATION OF BENGAL & ORS.

....Respondents

For the Appellant :

Mr. Sandip Kumar De

Mr. Abhik Chitta Kundu

....Advocates

For the Respondent no.1 :

Mr. Jaydeep Kar, Sr. Advocate

Mr. Samrat Sen, Sr. Advocate

Mr. Paritosh Sinha

Mr. Amitava Mitra

Ms. Manali Bose

Mr. Naman Agarwal

Ms. Urmi Sengupta

....Advocates

1. Affidavit of service filed today be kept with the record.
2. The present appeal has been preferred against the purported deemed refusal of ad interim injunction at the behest of the plaintiff in a suit, inter alia, for a decree of declaration that an order dated August 11, 2025 taken by the Ombudsman is bad in law, being in direct violation of the Memorandum of Association and Byelaws of the defendant / respondent no.1, i.e., the Cricket

Association of Bengal (for short, "CAB") and also against the spirit of the Club laws, etc.

3. Learned counsel for the appellant argues that the appellant became an elected member of the Apex Council of the CAB on and from October 31, 2022, with a tenure of three years.
4. It is contended that initially a complaint was lodged against the plaintiff / appellant, which was disposed of by the Apex Council. Subsequently, another complaint was lodged, a date of hearing of which was fixed by the Apex Council on August 14, 2025.
5. However, the Ombudsman of the CAB, being the defendant / respondent no.2 herein, allegedly usurped the jurisdiction of the Apex Council and took it upon himself to suspend the appellant, without issuing any prior show cause notice or affording any opportunity of hearing to the appellant.
6. It is contended that such action was challenged in the suit and the learned Trial Judge, by totally overlooking the urgency involved, particularly in view of the impending expiry of the tenure of the appellant, did not grant ad interim injunction.
7. Learned senior counsel representing the respondent no.1 / CAB contends that in any event,

the present appeal as well as the suit have been rendered infructuous in view of the expiry of the tenure of the appellant as an elected member of the Apex Council. In fact, the Apex Council itself has spent its life and a new Council has since been elected, in the process of election of which the appellant did not participate.

8. It is further submitted on behalf of the CAB that the appellant has been a Government servant, due to which he was not eligible *ab initio* to be an elected member of the Apex Council, which was substantially the ground of suspension of the appellant. Such contentions, of course, are controverted by learned counsel for the appellant.
9. Be that as it may, we find that the entire exercise has been rendered academic, since not only has the appellant's tenure itself in the capacity of elected member of the Apex Council of the CAB expired in September, 2025, the said Apex Council, of which the appellant was a member, has also spent its life and a new Apex Council has since been elected. As such, even without going into the allegations and counter allegations of the parties, this Court is of the opinion that the appeal as well as the suit have been rendered infructuous.
10. Accordingly, FMAT 370 of 2025, and consequentially CAN 1 of 2025, are disposed of as

infructuous in the light of the above observations without entering into the merits of the allegations and counter allegations of the parties.

11. We also observe that the suit itself, i.e., Title Suit no.1767 of 2025 pending before the learned Judge, Sixth Bench, City Civil Court at Calcutta has also been rendered infructuous. The learned Trial Judge shall pass appropriate orders accordingly in the suit.

12. Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)