

AD-33  
Ct No.16  
13.01.2025  
TN

FMA 1447 of 2024  
IA No: CAN 1 of 2025

Prabir Kumar Banerjee and another  
Vs.  
Goutam Kumar Banerjee and others

Mr. Sakabda Roy

....for the appellants

1. The present appeal has been preferred against refusal of an ad-interim injunction at the behest of the plaintiffs/appellants.
2. The plaintiffs claim to be members of a club.
3. It is argued by learned counsel for the appellants that the learned Trial Judge ought to have granted injunction in order to ensure that the illegally appointed committee members cannot represent the club, alternatively the discharge of duties and functions of the previous surviving committee members cannot be interfered with by the defendants.
4. However, on the materials on record, we are not convinced about the existence of any valid Rules and Regulations governing the election process and/or the validity of the so-called surviving committee. Unless there exists a legal right on the strength of some law and/or by-laws/articles of association, there is no question of any infringement or breach of such non-existent legal

right to justify grant of injunction at this stage. Moreover, the learned Trial Judge was justified in recording that no pressing urgency is found from the averments made in the injunction application.

5. Hence, we do not find any illegality in the impugned order so as to justify the admission of the appeal.
6. Accordingly, FMA 1447 of 2024 is dismissed under Order XLI Rule 11 of the Code of Civil Procedure. Consequentially, CAN 1 of 2025 is also dismissed.
7. There will be no order as to costs.
8. It is made clear that the merits of the disputes between the parties have not been gone into by this court.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)