

ORDER SHEET

APOT/176/2025
IA NO: GA/1/2025

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

COLONEL M SANJEEV
VS
JAI SURANA AND ORS.

BEFORE:

The Hon'ble JUSTICE ARIJIT BANERJEE

AND

The Hon'ble JUSTICE RAI CHATTOPADHYAY

Date : 16th July, 2025.

Appearance:

Mr. Abhrajit Mitra, Sr. Adv.
Mr. Sarvapriya Mukherjee, Adv.
Mr. Souradeep Banerjee, Adv.
Mr. Yasho Vardhan Kochar, Adv.
Ms. Shruti Pal, Adv.
Ms. Priyanka Garain, Adv.
...for the appellant

Mr. Ratnanko Banerji, Sr. Adv.
Mr. Jishnu Chowdhury, Sr. Adv.
Mr. Rudrajit Sarkar, Adv.
Mr. Abhimonyu Roy, Adv.
...for the respondent/plaintiff

Dictated by Arijit Banerjee, J.

The Court: This appeal is directed against an order dated June 26, 2025 passed by a learned Judge of this Court in GA/3/2025 filed in CS/13/2025.

The respondent no.1, a member and former President of the Calcutta Swimming Club (in short "the Club") filed CS/13/2025 challenging a suspension notice issued to him by the management of the Club. The plaintiff prayed for ad-interim order to restrain the management of the Club

from giving any effect to the suspension notice. Upon such prayer not being allowed and only direction for exchange of affidavits being given by the learned Single Judge, the plaintiff preferred an appeal being APOT/78/2025. That appeal was disposed of by this Bench vide judgment and order dated June 24, 2025. We did not interfere with the order of the learned Single Judge and we directed that the plaintiff's application should be heard and decided by the learned Single Judge upon exchange of affidavits.

It appears that thereafter the plaintiff filed another application before the learned Single Judge being GA/3/2025 praying for the following orders:-

- a) Leave be granted to file the instant application;
- b) A direction upon the respondent no.1 to constitute the Special Board afresh and initiate the meeting as prescribed in Rule 22(g) of the Club Rules;
- c) A direction upon the Respondents to extend the time granted to nominate three gentlemen members of the Club to represent the plaintiff/petitioner and re-constitute this Special Board;
- d) A direction upon the Respondent to furnish the Minutes of the meeting held on 9th April, 2025 of the Special Board;
- e) A direction upon the Respondent to supply a copy of the entire matter and supporting documents as placed before the Special Board on 9th April, 2025 which was done in the absence of the plaintiff/petitioner;
- f) A direction upon the respondents to keep in abeyance the communication dated 24th June, 2025 till the pendency of the instant application;
- g) In the alternative, without prejudice to the rights and contentions, permit the Petitioner/Plaintiff to nominate three gentlemen members to represent the

Plaintiff/petitioner before the Special Board within a period of one week.”

Upon that application being moved, the impugned order was passed by the learned Single Judge. After recording the submission of the parties, the learned Judge passed the following order:-

“After hearing the parties and in the backdrop of the orders passed by the learned Single Judge and the Hon’ble Division Bench considered in the light of the available records, I am of the prima facie view that the dispute can be resolved in an honourable manner by the parties on the basis of the discussions in between the members, if necessary, with the intervention of the advocates.

On the allegation that the former president has questioned the accounts and circulated letters in respect thereof to other members, the plaintiff/petitioner has been suspended. The plaintiff/petitioner has suffered the order of suspension for more than 50% of the period of suspension. At the same time one should not lose sight of the fact that the questioning of accounts and circulation of letters may have had an impact on the image of the present President of the club and the members of the Executive Committee before the other members of the club. At the end of the trial of the suit either the plaintiff/petitioner will succeed or the defendants will be able to establish their cause. We do not know how long the trial will take place. The plaintiff/petitioner, the present President and the Committee Members may reach a considerable age by that time. However, during all these days the club will remain and the name of the club will surface every time which in all probability will not add to its reputation, goodwill and image of the said club.

In the aforesaid facts and circumstances to enable amicable resolution of the dispute to materialise, this Court feels that instead of holding a Special Board meeting on 28th June, 2025 at 11.30 A.M., the same should be adjourned and instead thereof at the same time and

venue an informal meeting may be held between the present President, the members of the Executive Committee and the plaintiff/petitioner.

Since I am told that notices have been issued to the past Presidents requires by them to attend the Special Board meeting on 28th June, 2025 at 11.30 A.M., the past Presidents who will be present at the said time and venue on 28th June, 2025 may also participate in the said informal meeting as aforesaid.

Let this matter appear in the list on 30th June, 2025 under the heading "For Orders".

It is expected that good sense will prevail amongst the participants in the informal meeting so that it is held in a healthy ambience and with the co-operation all the issues can be set to rest once for all."

Being aggrieved, the Secretary of the Club has come up by way of this appeal.

It was submitted on behalf of the appellant that the learned Judge ought not to have, in effect, stayed the holding of the Special Board meeting scheduled to be held on June 28, 2025. That runs counter to the judgment and order dated June 24, 2025 passed by the Division Bench disposing of the plaintiff's appeal.

We are of the view that we need not go into those issues. The informal meeting that was held pursuant to the desire of the learned Judge has not yielded any positive result. In a sense, the impugned order has worked itself out. Now that the plaintiff himself has applied for an order directing that the Special Board meeting be held after the Board is reconstituted, the parties agree that the following order may be passed.

Accordingly, by consent of the parties, the following order is passed:-

- i. We fix August 2, 2025 (Saturday), 11.30am, as the date and time for holding of the Special Board meeting. No further notice of the meeting shall be issued to the parties in this proceeding. The appellant will ensure that all concerned who are not present before us receive adequate notice of the meeting.
- ii. The management of the Club shall reconstitute the Special Board in accordance with Rule 22(d) of the Rules and Bye-Laws of the Club.
- iii. The respondent/plaintiff shall nominate three members of the Club to represent him at the Special Board meeting within the next seven days and communicate the same to the Club.
- iv. The Club shall make available all such papers and documents to the plaintiff as will be made available to the members of the Special Board.
- v. The Special Board shall conduct the proceeding on August 2, 2025, strictly in accordance with Rules and Bye-Laws of the Club.

Nothing further remains in this appeal.

The appeal and the connected application stand disposed of.

Learned Counsel for the parties rightly say that nothing remains also in GA/3/2025 pending before the learned Single Judge. Accordingly, GA/3/2025 is treated as on the day's list and is disposed of.

Insofar as GA/1/2025 is concerned, while disposing of APOT/78/2025 by our order dated June 24, 2025, we had extended the time for exchange of affidavits. The respondents before the learned Single

Judge say that they have already filed their affidavits. The plaintiff shall be at liberty to file his reply in connection with GA/1/2025 in course of the week with copy to learned Advocates for the respondents before the learned Single Judge.

(ARIJIT BANERJEE, J.)

(RAI CHATTOPADHYAY, J.)

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