HC-KAR

CNR: KAHC010766042026

NC: 2026:KHC:61980
WP No. 34557 of 2026

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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 34557 OF 2026 (GM-CPC)

BETWEEN:

1. SRI V S THILAK NAIDU
   SON OF LATE C. SURYAPRAKASH,
   AGED ABOUT 48 YEARS,
   RESIDING AT SNN RAJ GRANDEUR,
   A BLOCK-141 BEGUR,
   DEVARACHIKKANAHALLI ROAD,
   BOMMANAHALLI,
   BENGALURU 560 068.

2. SRI. MONESH KUMAR K.B.,
   SON OF LATE K.G. BALAGANGADHAR,
   AGED ABOUT 57 YEARS,
   RESIDING AT NO. 99, D3,
   BULL TEMPLE ROAD,
   BENGALURU 560 019.

...PETITIONERS

Digitally signed by VIJAYA P
Location: High Court of Karnataka

(BY SRI JAYAKUMAR S. PATIL, AND
SRI VIKRAM A HUILGOL, SENIOR COUNSELS FOR
SRI MANIKANTA H. B., ADVOCATE)

AND:

1. KARNATAKA STATE CRICKET ASSOCIATION
   A SOCIETY REGISTERED UNDER THE KARNATAKA
   SOCIETIES REGISTRATION ACT, 1960,
   M. CHINNASWAMY STADIUM,
   CUBBON ROAD,

BENGALURU 560 001,
REPRESENTED BY ITS
CHIEF EXECUTIVE OFFICER.

2. SRI SANTOSH MENON
SON OF LATE SRI. K.A. MENON,
AGED ABOUT 65 YEARS,
RESIDING AT NO. 386, 6TH STAGE,
RMV 2ND STAGE, 2ND PHASE,
BENGALURU 560 094.

…RESPONDENTS

(BY SRI DHYAN CHINNAPPA, SENIOR COUNSEL FOR
SRI A.S. VISHWAJITH, ADVOCATE FOR C/R1;
SRI SRINIVASAN RAGHAVAN V., SENIOR COUNSEL FOR
SRI LAKSHMI MENON, ADVOCATE FOR R2)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER DATED 05/11/2026 (ANNEXURE-N), INSOFAR AS IT DEFERS CONSIDERATION OF URGENT AD-INTERIM INJUNCTIONS SOUGHT ON I.A. NOS.1 AND 2 UNTIL AFTER THE ANNUAL GENERAL MEETING SCHEDULED FOR 08/11/2026 AND POSTS THE MATTER TO 30.11.2026 ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

The present petition is filed impugning the order dated 05.11.2026 passed by the Trial Court in O.S. No.8135/2026, whereby notice was ordered on I.A. Nos.1 and 2 filed under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 (CPC).

2. Sri. Jayakumar S. Patil, learned Senior Counsel appearing for the petitioners, submits that respondent No.2 has completed a cumulative tenure of nine years as an office-bearer of respondent No.1- Karnataka State Cricket Association (KSCA), thereby incurring disqualification from continuing as an office-bearer. It is submitted that, in view of such disqualification, the Annual General Meeting (AGM) convened by respondent No.2 pursuant to the notice dated 10.10.2026 is without authority.

2.1 It is submitted that, in response to a complaint, the Ombudsman of the Board of Control for Cricket in India (BCCI) has held that respondent No.2 herein completed the maximum permissible tenure of nine years in the Karnataka State Cricket Association (KSCA) on 16.12.2025 and was, therefore, not entitled to continue as the Honorary Secretary of KSCA. Accordingly, the Ombudsman declared the office of the Honorary Secretary vacant. It is submitted that the said ruling is the subject matter of Writ Petition No.19719/2026 pending before the Division Bench of this Court, wherein, by order dated 02.07.2026, an interim direction was issued to the parties not

to precipitate the matter. The said interim order continues to remain in force.

2.2 It is further submitted that, in terms of Byelaw 14 of respondent No.1-KSCA, the Managing Committee includes the Secretary, and, as per Byelaw 7, the Honorary Secretary is an office-bearer. Referring to Byelaw 6, learned Senior Counsel submits that an office-bearer who has held any post for a cumulative period of nine years stands disqualified from continuing as an office-bearer. In view of the ruling of the BCCI Ombudsman, respondent No.2 is, therefore, not entitled to continue as the Honorary Secretary.

2.3 Learned Senior Counsel, further inviting the attention of this Court to Byelaw 3 of the BCCI, of which respondent No.1 is a member, submits that the KSCA cannot have any provision permitting a person to hold any post for a period exceeding nine years. It is contended that the restriction of nine years applies cumulatively to the tenure in any post in the Association and is not confined to the post of Honorary Secretary.

2.4 Learned Senior Counsel, further inviting the attention of this Court to the definition of the expression 'post' under Byelaw 1 of respondent No.1-KSCA, submits that the expression includes the post of Secretary as well as that of a member of the Managing Committee. Accordingly, in terms of Byelaw 6, the disqualification arising from holding any post in the Association for a cumulative period of nine years is required to be considered.

2.5 It is further contended that, despite a *prima facie* case having been made out, the Trial Court erred in failing to exercise its discretionary jurisdiction to grant an *ex parte* interim order. Learned Senior Counsel also submits that, unless the prayer for grant of an *ex parte* interim order is expressly rejected, the impugned order would not constitute an appealable order.

2.6 In support of the aforesaid submissions, learned Senior Counsel places reliance on the judgment of the Coordinate Bench in ***MFA No.3837/2018*** dated ***21.12.2018*** and the order passed in ***W.P. No.27789/2026*** dated ***02.09.2026***.

3. Sri. Vikram A. Huilgol, learned Senior Counsel appearing for the petitioners, submits that, while interpreting Byelaw 6 of respondent No.1-KSCA, no distinction is made with regard to the capacity in which a person has held office for the purpose of calculating the cumulative tenure of nine years. It is contended that the tenure served as an office-bearer of the Association in any capacity is required to be taken into consideration while computing the cumulative period of nine years.

4. *Per contra*, Sri. Dhyan Chinnappa, learned Senior Counsel appearing for respondent No.1, submits that the Ombudsman of respondent No.1, while considering a complaint, has opined that a person who has served only as a member of the Managing Committee for a cumulative period of nine years is not disqualified from contesting an election to the post of office-bearer. It is submitted that a Managing Committee Member and an office-bearer occupy distinct positions and, therefore, their respective tenures cannot be aggregated for the purpose of calculating the cumulative period of nine years prescribed for disqualification.

4.1 It is submitted that the very complainant had also lodged a complaint before the BCCI, pursuant to which the Ombudsman held that respondent No.2 had completed the maximum permissible tenure of nine years in KSCA as Honorary Secretary and was not entitled to continue in the said office. The said ruling is the subject matter of Writ Petition No.19719/2026, wherein a direction has been issued to the parties not to precipitate the matter. It is submitted that respondent No.2 had not vacated the office prior to the passing of the order by the Division Bench on 02.07.2026 and, in view of the interim direction issued therein, continues to function as Honorary Secretary. No application seeking clarification of the said interim order has been filed before the Division Bench till date.

4.2 It is further submitted that, if any ambiguity arises in the interpretation of the interim order, the appropriate remedy would be to seek clarification in the pending writ petition rather than institute an independent suit. It is contended that, in the present suit, the petitioners are, in effect, seeking clarification or interpretation of the interim order operating in the pending

writ petition before the Trial Court, which is not the appropriate forum for such an exercise.

4.3 Learned Senior Counsel further submits that, in terms of Byelaw 14, the Managing Committee comprises elected office-bearers and elected members of the Managing Committee. It is submitted that, when elections are conducted to elect office-bearers and members of the Managing Committee, the tenure of each person in the respective capacity is required to be considered independently for the purpose of computing the cumulative period of nine years. The tenure served in the respective positions cannot be aggregated for calculating the maximum permissible cumulative period of nine years. The nine-year period is required to be computed separately in respect of each category of post, namely, office-bearer and Managing Committee Member.

4.4 Learned Senior Counsel, placing reliance on the judgment of the Coordinate Bench in ***W.P. No.21137/2021*** dated ***07.01.2026***, further submits that a writ petition is not maintainable even where emergent notice is issued on an

application seeking an ex parte interim injunction. In that view, it is contended that the present writ petition under Article 227 of the Constitution of India is not maintainable and that the petitioners' remedy, if any, lies by way of an appeal under Order XLIII Rule 1 of the CPC.

5. Sri. Srinivasan Raghavan V., learned Senior Counsel appearing for respondent No.2, submits that the impugned notice convening the meeting was issued on 10.10.2026, whereas the suit was instituted only on 02.11.2026. It is submitted that the contesting respondent in W.P. Nos.19594/2026 and 19719/2026 had filed an application seeking identical relief and had also made a request for the application to be taken up for consideration. However, the said request was not acceded to, as the application had been filed at the fag end, after considerable delay.

5.1 It is further submitted that, when an issue arises with regard to the interpretation of the interim order concerning the vacancy of the office of Honorary Secretary, it was open to the petitioners to seek appropriate clarification in the pending writ

petition. Having failed to obtain such relief before the Division Bench in the pending writ proceedings, the petitioners have instituted an independent suit seeking relief which, in effect, amounts to seeking clarification or interpretation of the interim order passed by the Division Bench of this Court.

5.2 Learned Senior Counsel further submits that, in view of the availability of an appellate remedy under Order XLIII Rule 1 of the CPC, the present writ petition is not maintainable.

6. Heard the learned Senior Counsel appearing for the parties and perused the impugned order and the materials placed on record.

7. The petitioners have instituted the suit in their capacity as members of respondent No.1- KSCA. The prayer in the suit is to declare the notice and agenda dated 10.10.2026, issued by defendant No.2 convening the 89th Annual General Meeting of defendant No.1 scheduled to be held on 08.11.2026, as invalid.

8. Before examining the rival contentions, it is necessary to consider the nature of the relief sought in the applications and the correctness of the order impugned herein.

9. The application filed under Order XXXIX Rules 1 and 2 of the CPC seeks an order of *ex-parte* ad-interim temporary injunction restraining defendant No.1, its office-bearers, Managing Committee members, officers, servants and agents from convening, holding or conducting the 89th AGM scheduled to be held on 08.11.2026.

10. Another application has been filed under Order XXXIX Rules 1 and 2 of CPC seeking an order of *ex-parte* ad-interim temporary injunction restraining defendant No.2 from discharging or exercising the functions and powers of the Honorary Secretary of defendant No.1.

11. The present petition is confined to the application seeking an order of restraint against defendant No.2 from discharging or exercising the functions and powers of the Honorary Secretary of defendant No.1. The said relief is founded on the

alleged disqualification incurred by defendant No.2 in terms of Byelaw 6 of respondent No.1- KSCA.

12. The issue came up for consideration before the Ombudsman of respondent No.1, who held as follows:

> ***"All of the above will lead to the conclusion that as the rule presently stands, it is explicit that a person who has been an Office Bearer' for the cumulative period of 9 years cannot be elected either as an 'Office Bearer' or as a Managing Committee Member (either elected or nominated) or on any other committee once over again. On the other hand, a person who has served only as a Managing Committee member for a cumulative period of 9 years is not disqualified from seeking to be elected as an Office Bearer.***

13. It is undisputed that the aforesaid view expressed by the Ombudsman of respondent No.1 has attained finality.

14. Considerable reliance has been placed on the ruling of the BCCI Ombudsman produced at Annexure-D, wherein the following conclusion has been arrived at:

> ***"3. It is further held that respondent No.3 has completed maximum permissible '9' years tenure in KSCA on 16.12.2025. He is not entitled to continue***

as Honorary Secretary of KSCA. The office of the Honorary Secretary is declared to be vacant.

4. The BCCI and KSCA shall take appropriate steps to implement the order forthwith."

15. The said order is the subject matter of Writ Petition Nos.19594/2026 and 19719/2026. In the said proceedings, at the instance of respondent Nos.1 and 2, the Division Bench, by interim order dated 02.07.2026, issued the following directions:

"The parties shall not precipitate the matter, till the next date of hearing."

16. The petitioners seek an interpretation of the interim arrangement made by the Division Bench. One interpretation sought to be placed on the interim order is that, since the office of the Honorary Secretary was declared vacant by the BCCI Ombudsman, the interim order operates as a bar against filling up the said vacancy. The other interpretation relates to the direction issued to the BCCI and KSCA to take appropriate steps to implement the order of the Ombudsman, which, according to the petitioners, was directed not to be precipitated.

17. It is contended by the petitioners that, pursuant to the order passed by the BCCI Ombudsman, respondent No.2 had vacated the office but re-assumed charge pursuant to the interim order. The said contention is disputed by the respondents. As on date, the rival contentions in this regard remain disputed questions of fact.

18. When a dispute arises with regard to the interpretation of an order passed by a Court, the appropriate remedy is to seek clarification before the very same Court or to avail of such other remedy as may be available in law. However, instituting separate proceedings by way of a civil suit for such purpose cannot be considered an appropriate remedy.

19. This Court also finds merit in the submission that an application seeking identical relief had been filed in the pending writ proceedings. A perusal of the application placed before this Court lends support to the said submission. The relief sought in the application filed under Order XXXIX Rules 1 and 2 of the CPC and that sought in the interlocutory application filed before

the Division Bench in W.P. No.19594/2026 are substantially identical.

20. Further, the delay in approaching the Court in a matter of the present nature is also a relevant consideration. The impugned notice, allegedly issued by respondent No.2 without authority, is dated 10.10.2026, whereas the suit was instituted on 02.11.2026, after a delay of 22 days and barely six days prior to the scheduled AGM. Though these circumstances may not, by themselves, determine the merits of the controversy, they are certainly relevant in examining the conduct of the parties and their bona fides in availing themselves of the remedies available in law. No explanation is forthcoming as to why the petitioners did not approach the Division Bench by filing an application seeking clarification of its interim order. Even assuming that a civil suit was the appropriate remedy, no explanation is offered for not approaching the Civil Court at the earliest point of time.

21. While considering an application under Order XXXIX Rules 1 and 2 of the CPC, it is not sufficient to examine merely

whether a prima facie case has been made out. The balance of convenience and the nature of hardship likely to be caused to the parties are equally relevant considerations.

22. On examining the aspect of balance of convenience, it is relevant to note that the opinion expressed by the Ombudsman of respondent No.1, distinguishing between the tenure served as an office-bearer and that served as a member of the Managing Committee, has attained finality. On the other hand, the ruling of the BCCI Ombudsman declaring that respondent No.2 had completed the maximum permissible tenure of nine years is the subject matter of two writ petitions pending before this Court, wherein an interim order is operating. An appropriate remedy was available to the petitioners, and, in fact, one of the parties had attempted to seek identical relief in the pending writ proceedings, though unsuccessfully. In the circumstances, it cannot be said that the balance of convenience lies in favour of the plaintiffs.

23. Coming to the aspect of hardship likely to be caused, the AGM is scheduled to be held on 08.11.2026. It is not in dispute

that necessary arrangements have to be made for conducting the meeting and that hundreds of members are expected to participate in the AGM. The suit itself was instituted barely six days prior to the scheduled date. If the meeting is interdicted by an order of injunction at this stage, it would undoubtedly cause hardship not only to the respondents but also to the members of respondent No.1- KSCA.

24. Now, adverting to the existence of a prima facie case, the definition of the expression 'post' under Byelaw 1 of respondent No.1- KSCA includes the Secretary, elected and nominated members of the Managing Committee. Byelaw 14 defines the composition of the Managing Committee, which comprises elected office-bearers, elected members of the Managing Committee and nominated members. The office-bearers include the Secretary, but do not include the members of the Managing Committee. The members of the Managing Committee constitute a distinct category within the Association.

25. The post of Honorary Secretary undoubtedly falls within the category of office-bearer. Whether the tenure served by

respondent No.2 as a member of the Managing Committee is also required to be reckoned while computing the cumulative period of nine years for holding the post of Honorary Secretary is a larger issue which is pending consideration before the Division Bench.

26. A plain reading of Byelaw 6 indicates that the disqualification prescribed therein refers to an office-bearer holding office for a cumulative period of nine years. There is no specific reference therein to the tenure served as a member of the Managing Committee. Further, the disqualification contemplated is that an office-bearer who incurs such disqualification is also barred from being a member of the Managing Committee. This provision, prima facie, indicates that the tenure served as an office-bearer and the tenure served as a member of the Managing Committee are distinct and cannot be clubbed together for the purpose of computing the cumulative period of nine years. This prima facie interpretation also finds support from the view expressed by the Ombudsman of respondent No.1.

27. In view of the foregoing discussion, and in the absence of a prima facie case or balance of convenience in favour of the petitioners, coupled with the hardship likely to be caused if the scheduled AGM is interdicted, this Court is not inclined to entertain the present petition.

28. It is made clear that the observations made hereinabove are confined to the consideration and disposal of the present petition and shall not influence the adjudication of the pending suit, if the petitioners choose to pursue the same. All other contentions available to the parties are kept open.

Accordingly, the petition stands ***dismissed***.

Sd/-
(K. V. ARAVIND)
JUDGE

VBS
List No.: 3 Sl No.: 1