
(2021) 02 MAN CK 0052
In the Manipur High Court
Case No : W.A. No. 53 Of 2020

Gymnastics Federation

APPELLANT

Vs

Dr. S. Shantikumar Singh

RESPONDENT

Date of Decision : 18-02-2021

Acts Referred:

Code Of Civil Procedure, 1908 — Order 1 Rule 10(2), Order 1 Rule 10A

Citation : (2021) 02 MAN CK 0052

Hon'ble Judges : Sanjay Kumar, J;Mv Muralidaran, J

Bench : Division Bench

Advocate : I. Lalitkumar, Th. Ibohal, Ruchi Mishra, Ajoy Pebam

Final Decision : Disposed Of

Judgement

[1] The Gymnastics Federation of India, New Delhi (GFI), filed this writ appeal aggrieved by the Judgment & Order dated 26.11.2020 passed by a

learned Judge of this Court in MC[W.P(C)] No. 142 of 2020 [Ref: W.P. (C) No. 385 of 2020], whereby its claim that it was a necessary party and its

prayer for impleadment as the 4th respondent in the writ petition were rejected.

It may be noted that the learned Judge however permitted the GFI to assist the Court as an intervener if it so desired, for which appropriate action had

to be taken by it in accordance with law.

[2] The writ petition was filed by the 1st respondent herein assailing the letters dated 27.04.2020 and 06.07.2020 issued by the Under Secretary,

Ministry of Youth Affairs & Sports, Government of India. Thereby, the President of the GFI was informed that the Government of India was not

willing to recognize the GFI on the strength of the elections held on 05.11.2019 owing to certain violations of the provisions of the National Sports

Development Code, 2011. More particularly, the stand of the Government of India was that the 1st respondent/writ petitioner could not hold the post

of Secretary General in the elected body as he had already served 2(two) consecutive terms in the GFI and his election for a third consecutive term

without the cooling off period of 4(four) years was violative of the National Sports Development Code, 2011.

[3] While so, the GFI, represented by its President, filed the subject application in the writ petition seeking to be impleaded as the 4th respondent

therein, claiming to be a necessary party to the litigation. This application came to be rejected by the order under appeal, as stated supra.

[4] Mr. Th. Ibohal, learned senior counsel appearing for the GFI, would argue that the GFI is vitally interested in the outcome of this litigation as it

would have an impact on its future elections in the context of the interpretation of the National Sports Development Code, 2011. He would therefore

contend that the GFI ought to have been added as a party to the writ petition to enable it to have its say and participate in the proceedings. Learned

senior counsel, however, concedes that the GFI would be in a position to do so even in the capacity of an intervener. As already noted supra, the

learned Judge granted liberty to the GFI to file an appropriate application to intervene in the matter and assist the Court, if it so desired.

[5] Mr. I. Lalitkumar, learned senior counsel appearing for the 1st respondent/writ petitioner, fairly agrees that the GFI would be entitled to file such

an application in the light of the liberty granted and, in that capacity, if allowed, file an affidavit setting out its stance so as to assist the learned Judge in

the adjudication of the writ petition.

[6] Order I Rule 10 (2) CPC empowers the Court to add a party in the event the Court opines, at any stage of the proceedings, that the name of a

person ought to be joined as a party as the presence of such person is necessary to enable the Court to effectually and completely adjudicate upon and

settle all questions involved in the case. Applying this standard, the learned Judge found that the GFI was not a "necessary party" to the writ

petition. We find no reason to disagree with this finding of the learned Judge.

[7] However, it may be noted that Order I Rule 8-A CPC empowers the Court to permit a person or body of persons to present his or its opinion on a

question of law which is directly and substantially in issue and in which such

person or body of persons has an interest and permit, in public interest, such person or body of persons to not only present such opinion but also take part in the proceedings.

[8] In the case on hand, it cannot be disputed that the GFI would have an interest in the interpretation of the National Sports Development Code, 2011, which would impact its elections in future in the context of re-election to certain posts for consecutive terms. To that extent, it would be a body of persons which clearly has an interest in the question of law involved in the writ petition. The GFI may therefore be entitled to intervene in the proceedings in that capacity.

[9] In that view of the matter, it is made clear that if the GFI files an application seeking to intervene in the proceedings and assist the Court and such an application is allowed, the GFI would also be entitled to file an affidavit setting out its stance and also advance arguments on the strength thereof so as to assist in the adjudication of the lis. The 1st respondent/writ petitioner would be entitled to respond to such affidavit and file its reply thereto. It would then be for the learned Judge to take the said affidavits/contentions under advisement, as deemed fit and proper, while deciding the case.

Making this position clear, the writ appeal is disposed of.

No order as to costs.