
(1997) 05 DEL CK 0038

In the Delhi High Court

Case No : Interim Application No. 4654 of 1997 and Suit No. 1078 of 1997

Indian Triathlon Federation

APPELLANT

Vs

Indian Olympic Association and Others

RESPONDENT

Date of Decision : 29-05-1997

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 39 Rule 1

Citation : (1997) 4 AD 422 : (1997) 67 DLT 541

Hon'ble Judges : K. Ramamoorthy, J

Bench : Single Bench

Advocate : Kapil Sibal, Tasleem Ahmedi, H.L. Tikku and P. Dewan, for the Appellant;

Judgement

K. Ramamoorthy, J.

(1) The plaintiff has filed this suit for the following reliefs:

"(a) pass a decree of the declaration declaring the appointment of the ad hoc committee by the defendant invalid; (b) restrain the ad hoc Committee/defendants from taking any decisions in respect of the plaintiff and the forthcoming National Games and from functioning and interfering with the functions of the President and office Bearers of the plaintiff who have been declared as such by a City Civil Court, Madras".

It is claimed that there was a decree by the City Civil Court, Madras dated 5.3.96 wherein the claim of the persons representing the plaintiff has been recognised as President. The fact that the plaintiff-Association is affiliated to Indian Olympic Association is not disputed by the parties. There appears to be disputes between various Associations in the Federation and for the purpose of conducting the National Games to oversee the events, on 6.5.97 the President of the Indian Olympic Association informed the plaintiff through its President Mr. Ramachandran that he had appointed an ad hoc Committee to look after the conduct of the plaintiff Indian Triathlon Federation and the participants. The

Cannes are to start from 31.5.97 onwards.

(2) The learned Senior Counsel Mr. Kapil Sibbal for the plaintiff submits that once there is a decree by a Competent Court declaring a particular person to be the President which has become final the first defendant-Indian Olympic Association cannot put any fetters on its functioning and it will be open to the plaintiff Federation to participate in the National Games and under the guise of the letter dated 6.5.97 by appointment of ad hoc Committee the first defendant cannot interfere with the functioning of the Federation and its participation in the National Games.

(3) The learned Senior Counsel Mr. Sibbal also referred to the order passed by the Supreme Court on 8.11.96 wherein the Supreme Court had referred to bye-law 19 Clauses 1, 2 and 3 in and by which the Arbitration Board had to be constituted by the Association.

(4) Mr. H.L. Tikku, learned Counsel appearing for defendants 1 & 2, submits that the first defendant-Association is not interfering with the functioning of Mr. Ramachandran as President of the Federation but as an affiliate the plaintiff Federation has to send one representative and all other Associations were also requested similarly to nominate a person to the ad hoc Committee to oversee the conduct of the Indian Triathlon Federation at the time of the National Games. Mr. Tikku submits that once the plaintiff Federation is affiliated to the Indian Olympic Association it has to function as per the decisions taken by the first defendant-Association and the plaintiff has not even nominated its representative to the ad hoc Committee.

(5) Having regard to the facts and circumstances and the fact that the plaintiff Federation is affiliated to the Indian Olympic Association it has to abide by the directions issued by the first defendant-Association. Even as per the allegations in the plaint, in all over India there seems to be disputes amongst the various Associations for controlling the plaintiff-Federation and there had been number of cases earlier also in all Courts including the Supreme Court.

(6) The Supreme Court had not said that the Indian Olympic Association cannot function under Rule 19(4). As a matter of fact elaborate arguments were not advanced before the Supreme Court and the Supreme Court was invited to pass the order just for smooth functioning of the various Associations, plaintiff-Federation and the first defendant-Association. It is not stated in the plaint as to how the constitution of the ad hoc Committee would affect its functioning. The learned Senior Counsel Mr. Sibbal referred to the cause of action Paragraph 15 which reads as under:

"The cause of action arose on 6th May, 1997 when the defendant suddenly decided to appoint an ad hoc Committee. The cause of action is continuing day to day and it is humbly submitted that the ad hoc Committee is now to take decisions regarding the participants, the events etc., which will have to be in consonance with the rules and regulations of the International Triathlon Union to

which only the plaintiff with its present Office Bearers is affiliated and recognised on the coming National Games at Ban galore which commence from 31st May to 11th June decisions will not be in consonance with the objects and principles of the plaintiff but will be in consonance to the whims and fancies of the defendant and its President."

There are no allegations about the functioning of the Federation relating to the National Games and how the Indian Olympic Association is seeking to interfere with the functioning of the plaintiff Federation.

(7) I am not able to see any prima facie strong case, made out by the plaintiff for the grant of injunction. I.A. 4654/97 for injunction is dismissed. Copy of the order be given dusty to learned Counsel for parties. S. No. 1078/97 Service of defendants 4 & 5 is awaited. Post the matter on the 14th of October, 1997 for awaiting service.