

(1980) 06 KAR CK 0031
In the Karnataka High Court
Case No : O.S.A. No"s. 3 to 7 of 1990

Karnataka Olympic Association

APPELLANT

Vs

Vidyacharan Shukla

RESPONDENT

Date of Decision : 04-06-1980

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 25

Citation : (1990) ILR (Kar) 2358

Hon'ble Judges : M.P. Chandrakantaraj Urs, J;B.P. Singh, J

Bench : Division Bench

Advocate : B.V. Acharya, General for D.L.N. Rao, for the Appellant; H.B. Datar, for M.H. Datar, N.S. Prasad, Udaya Holla, K.G. Raghavan, S.P. Kulkarni, Umesh R. Malimath and K.S. Desai, for the Respondent

Final Decision : Dismissed

Judgement

M.P. Chandrakantaraj Urs, J.—AM these Appeals are presented by the Karnataka Olympic Association by its Secretary-General one G. Somasekharappa. The appeals arise out of a common Judgment and decree of this Court rendered by a learned Single Judge in O.S.Nos. 1 to 5 of 1988. This Court does not have original civil jurisdiction under any of the State Laws. The suits afore-mentioned came to be tried and disposed of by the common Judgment dated 25-8-1988 Vidyacharan Shukla Vs. B.S. Adityan, on account of the order of the Supreme Court of India u/s 25 of the Code of Civil Procedure.

2. By the said common Judgment, the learned Single Judge of this Court, while decreeing O.S.1/1988, dismissed the other four suits. In none of the suits, the present applicant in I.A.1 seeking leave to prosecute the appeal was a party though he was aware of the proceedings transferred to this Court for disposal by order of the Supreme Court as earlier stated.

3. In support of the permission which the applicant seeks in I.A.1 in each of the Appeals, it has been urged that the Judgment affects the applicant-appellant in

as much as it has been said in the course of Judgment that an elected Office Bearer of the Indian Olympic Association may be removed by a simple majority by the General Body though no such provision is made in the Rules and Regulations governing the Indian Olympic Association, a body registered under the Indian Societies Registration Act. It may be so. But, though the applicant-appellant in each of these applications and Appeals was aware of the proceedings, made no attempt to implead himself to safe-guard the interests of the Karnataka Olympic Association if any. Having failed to do that, long after the suit has come to be disposed of, he cannot seek permission to prosecute these appeals on the ground that it affects the federating or constituting units of the Indian Olympic Association.

4. Once a body is incorporated under a statute, the body is so incorporated for itself as a juristic person and it will not be open to the constituting or federating units to seek separate identity by which, at its will, it may speak for the incorporated body of which it is only a member. Therefore, merely because it feels aggrieved by the Judgment, it cannot be said it acquires a right to prosecute the appeal when it is not a party to the proceedings.

5. On that short ground, we refuse to grant leave to prosecute the appeal, more so when the persons who filed the suits and persons who were interested in the prosecution of the appeals and the persons who may have reasons to be aggrieved do not wish to prosecute the appeals. We refuse leave to the Karnataka Olympic Association in I.A.1 in all the appeals.

In the result, I.A.1 in all the appeals is dismissed by this common order and as such, the appeals also stand dismissed.

Other I.As. filed do not survive for consideration in the light of the order made by us on I.A.1.