

(2014) 09 AP CK 0176
In the Andhra Pradesh High Court
Case No : CRP No. 1791 of 2014

L. Pandu Ranga Reddy

APPELLANT

Vs

Rajendra Sinhji Institute

RESPONDENT

Date of Decision : 15-09-2014

Acts Referred:

Citation : (2015) 3 ALD 633

Hon'ble Judges : L.N. Reddy, J.

Bench : Single Bench

Advocate : T. Subhash Reddy, for the Appellant; Deepak Bhattacharjee, for the Respondent

Final Decision : Allowed

Judgement

L.N. Reddy, J. The petitioner is a Member of Rajendra Sinhji Institute Officers Mess, the respondent herein, which is formed for the benefit of the Members of the Defence Forces, both serving and retired. There is an understanding between the respondent, on the one hand, and the Secunderabad Club, on the other hand, that a member of the respondent can become a Member of the Secunderabad Club. This arrangement was in force almost for the past several decades. By virtue of it, he became the Member of the Secunderabad Club. The respondent issued proceedings, dated 19.2.2013, discontinuing the Membership of the petitioner in the respondent as well as the Secunderabad Club. It was mentioned that the Membership was restricted to 20 years only, and since it expired on 28.2.2013, the petitioner's Membership was discontinued. Challenging the said order, the petitioner filed OS No. 144 of 2013 in the Court of XI Junior Civil Judge, City Civil Court, Hyderabad, by raising several grounds. He has also filed IA No. 262 of 2013 with a prayer to suspend the proceedings, dated 19.2.2013. The contents of the suit were repeated and the plea of prima facie case and balance of convenience was taken. The I.A., was opposed by the respondent. The trial Court dismissed the I.A., through order, dated 19.9.2013. Hence, this revision.

2. Heard learned Counsel for the petitioner and learned Counsel for respondent.
3. The trial Court has undertaken extensive discussion in the I.A. itself. The respondent relied upon Rules 62 and 63 framed by it. Rule 62 defines the nature of relationship between the members and the facilities to be extended to them. Rule 63 enlists the circumstances under which, the Mess Membership can be discontinued. Though the Rule contained several contingencies, none of them stipulated 20 years, as the period, on expiring of which the privilege can be withdrawn.
4. The argument advanced by learned Counsel for the respondent is that the respondent passed a resolution restricting the Membership to 20 years and that the same becomes one of the factors referable to Rule 63.
5. Prima facie, this Court finds that Rule 63 does not confer such power on the respondent. Even if the power can be exercised in that manner, a resolution passed in that behalf shall operate prospectively. While granting Membership to the petitioner, it is mentioned that it is confined to 20 years. The other contentions advanced by the parties need to be dealt with at the hearing of the suit. The facility which was being enjoyed by the petitioner for the past two decades on account of his being ex-serviceman, cannot be discontinued at the whims of the respondent. This Court finds, both prima facie case, and balance of convenience, in favour of the petitioner.
6. Hence, the civil revision petition is allowed and the order under revision is set aside. As a consequence, LA No. 262 of 2013 shall stand allowed. The petitioner shall be entitled to avail the privileges as before, during the pendency of the suit. There shall be no order as to costs. The miscellaneous petitions filed in the civil revision petition shall stand disposed of.