
(2021) 08 TEL CK 0029

In the Telangana High Court

Case No : Civil Revision Petition Nos. 480, 482 Of 2021

Modem Ramesh

APPELLANT

Vs

New Club And 14 Others

RESPONDENT

Date of Decision : 12-08-2021

Acts Referred:

A.P. Societies Registration Act, 2001 — Section 23

Citation : (2021) 08 TEL CK 0029

Hon'ble Judges : M.S.Ramachandra Rao, J

Bench : Single Bench

Advocate : D Madhava Rao, Manu

Final Decision : Allowed

Judgement

1. Since both these Revisions arise out of the interim orders passed in the same Society Original Petition (SOP) No.3 of 2020 filed under Section 23 of

the A.P. Societies Registration Act, 2001 pending on the file of the XXVII Additional Chief Judge, City Civil Court, Secunderabad, they are being

disposed of by this common order.

2. Heard Sri D.Madhava Rao, learned counsel for the petitioner, Sri Manu, learned counsel for the 2nd respondent and Sri Prabhakar Sripada, learned

counsel for respondents 3, 4, 6 and 7.

3. The petitioner in both these Revisions is the 6th respondent in the said SOP No.3 of 2020.

4. The 1st respondent in these Revisions is a Society registered under the A.P. Societies Registration Act, 2001 (for short "the Act").

Respondents 2 to 9 and the petitioner were Members of the Managing Committee of the 1st respondent Club.

5. A complaint was made by the petitioner and 15th respondent to respondents 10 to 14, who are Members of the Disciplinary Committee

of the 1st respondent Club, on 27.04.2020 that certain liquor bottles were removed from the Bar of the 1st respondent Club during the lockdown period

in the twin cities of Hyderabad and Secunderabad on account of the Covid-19 pandemic, which was in force from 15.03.2020.

6. On the basis of the said complaint, the Disciplinary Committee consisting of respondents 10 to 14 suspended respondents 2 to 9 on 28. 04.2020, and

also issued a show-cause notice to them.

7. Respondents 2 to 9, who are Members of Managing Committee then issued a notice dt.08.05.2020 to respondents 10 to 14 to show cause as to why

their status as Members of the Disciplinary Committee should not be suspended. Explanation was submitted thereto by respondents 10 to 14, but the

Managing Committee suspended them on 13.05.2020 from their status as Members of the Disciplinary Committee.

8. Notwithstanding the same, respondents 10 to 14 went ahead with the action pursuant to the complaint dt.27.04.2020, and passed an order on

01.06.2020 terminating the primary membership of respondents 2 to 9 from the 1st respondent Club.

The SOP

9. The respondents 1 to 9 in both the Revisions then filed the SOP No. 3 of 2020 under Section 23 of the Act against the petitioner and other

respondents for a declaration that findings given by the Disciplinary Committee of the 1st respondent Club (consisting of respondent No.s 10 to 14)

and the order dt.01.06.2020 passed by the said Committee, initially suspending and later terminating the primary membership of respondents 2 to 9 of

the 1st respondent Club, as illegal, null and void and non-est in law, and for a permanent injunction restraining respondent No.s 10 to 14 from

interfering with the day-to-day functioning and management of the 1st respondent Club by respondents No.s 2 to 9 as Members of the Managing

Committee of the Club.

I.A.No.464 of 2020

10. Along with the OP, the petitioner and respondents 1 to 9 filed I.A.No.464 of 2020 for a temporary injunction restraining respondent No.s 10 to 14

from interfering with the day-to-day functioning and management of the 1st

respondent Club by respondents 2 to 9 (being Members of the Managing Committee) including operation of the Bank Account of the 1st respondent Club, conducting meetings and other activities, pending disposal of the OP.

11. By order dt.17.10.2020, the Court below had dismissed I.A.No.464 of 2020.

C.R.P.No.1133 of 2020

12. This was challenged in C.R.P.No.1133 of 2020 before this Court.

13. By order dt.17.11.2020, the said CRP was dismissed holding that serious adverse findings were recorded by the Disciplinary Committee against

respondent No.s 2 to 9 whose correctness was required to be gone into by the Court below in the SOP; that the respondent No.s 2 to 9 did not come

to the Court with clean hands and had tried to overreach the Disciplinary Committee itself by suspending the Members of the Disciplinary Committee

(respondent No.s 10 to 14) on 14.05.2020 after the said Disciplinary Committee had issued a show-cause notice on 28.04.2020 to respondent No.s 2

to 9; this amounts to trying to short-circuit the disciplinary action proposed by the Disciplinary Committee against them; and there is no balance of

convenience in their favour and no irreparable injury would be caused to them if interim relief sought is not granted to them.

14. So a direction was given to the Court below to decide SOP.No.3 of 2020 uninfluenced by any observations recorded by it in the impugned order

and also any observations made by this Court in the order in CRP No.1133 of 2020.

15. This order in CRP No.1133 of 2020 attained finality.

16. Consequently, termination of the primary membership of respondents 2 to 9 of the 1st respondent by the Disciplinary Committee of the 1st

respondent consisting of respondents 10 to 14, stands.

17. A General Body Meeting had been called for on 21.02.2021; and a Returning Officer was appointed by the Disciplinary Committee to conduct

elections, and he issued an Election Notification dt.28.01.2021 proposing to conduct elections to the posts of President, Vice President, Treasurer and

6 Committee Members for conduct of election on

28. 02.2021, to replace the respondent No.s 2 to 9.

I.A.Nos.155 and 156 of 2021

18. Respondents 1 to 9 filed I.A.No.155 of 2021 to stay the holding of General

Body Meeting on 21.02.2021 as per the directions of the Disciplinary

Committee till the disposal of the main SOP; and I.A.No.156 of 2021 for staying the Election Notification dt.28.01.2021 issued till the disposal of the main SOP.

19. It is the contention of respondent No.s 1-9/petitioners in I.A.Nos.155 and 156 of 2021 that General Body Meeting was called for on 21.02.2021

without any agenda and without any basis, that the Returning Officer was illegally appointed and he issued the Election Notification dt.28.01.2021.

Several other contentions were also raised.

20. Counter affidavits were filed to these Applications by the petitioner opposing grant of relief in I.A.Nos.155 and 156 of 2021.

21. By a common order dt.27.02.2021, both I.A.Nos.155 and 156 of 2021 were allowed staying the holding of the General Body Meeting on

21. 02.2021 and also the holding of elections on 28.02.2021 pending disposal of the SOP or till completion of the term of respondents 2 to 9, whichever is earlier.

The CRP No.s480 and 482 of 2021

22. Challenging this common order, petitioner has filed CRP Nos.480 and 482 of 2021.

23. On 26.03.2021, this Court passed the following order in both the CRPs:

â??Having regard to the earlier order dt.17-11-2020 in C.R.P.No.1133 of 2020 directing the Court below to specifically decide S.O.P. finally, prima

facie the Court below could not have entertained I.A.No.155 of 2021 (and I.A.No.156 of 2021) in S.O.P.No.3 of 2020 and granted interim relief

therein to the respondents.

Therefore, there shall be interim suspension as prayed for.

List on 11-06-2021 for counter.â??

24. The matter was heard at length on 23.07.2021.

The consideration by the Court

25. This Court asked a specific question to the counsel for respondents 1 to 9 as to how, in the light of the specific direction issued on 17.11.2020 in

C.R.P.No.1133 of 2020 asking the Court below to decide the SOP No.3 of 2020 finally, the Court could have entertained I.A.Nos.155 and 156 of

2021; and also as to how I.A.Nos.155 and 156 of 2021 could have been filed in the said SOP in regard to the General Body Meeting of 21.02.2021

and the Election Notification dt.28.01.2021, which are events which occurred after the SOP was filed.

26. No satisfactory answer was given by the counsel for the respondents 2 to 9.

27. Admittedly this Court had confirmed the order dt.17.10.2020 in I.A.No.464 of 2020 wherein the Court below had refused to restrain the

respondents 10 to 14 from interfering with the day-to-day functioning and management of the 1st respondent Club by respondents 2 to 9, including

operation of the Bank Account of the 1st respondent, conduct of meetings and other activities pending disposal of the OP. This Court had held that

serious adverse findings were recorded by the Disciplinary Committee against respondents 2 to 9 whose correctness was required to be gone into by

the Court below in the SOP; that the respondent No.s 2 to 9 did not come to the Court with clean hands and had tried to overreach the Disciplinary

Committee itself by suspending the Members of the Disciplinary Committee (respondents 10 to 14) on 14.05.2020 after the said Disciplinary

Committee had issued a show-cause notice on 28.04.2020 to respondent No.s 2 to 9; this amounts to trying to short-circuit the disciplinary action

proposed by the Disciplinary Committee against them; and there is no balance of convenience in their favour and no irreparable injury would be

caused to them if interim relief sought is not granted to them.

28. In view of the above, I am of the opinion that the Court below should have proceeded to decide the SOP itself instead of entertaining I.A.Nos.155

and 156 of 2021 filed by respondent No.s 2 to 9 with regard to the holding of the General Body Meeting on 21.02.2021 and the election on 28.02.2021.

29. Also in my opinion, the relief sought in the said I.A.Nos.155 and 156 of 2021 is outside the scope of the SOP No.3 of 2020 itself because relief

sought for in the said I.As. is in respect of events which had happened after the SOP was filed.

30. Therefore, I am of the opinion that the Court below erred in entertaining I.A.Nos.155 and 156 of 2021 and in allowing them.

31. Consequently, the CRPs are allowed; orders dt.27.02.2021 in I.A.Nos.155 and 156 of 2021 are set aside, and they are dismissed. The Court below

shall proceed to decide the SOP itself within 6 months from the date of receipt of

a copy of this order. No costs.

32. Pending miscellaneous petitions, if any, in these Revisions shall stand closed.