

IN THE III ASSISTANT CITY CIVIL COURT AT CHENNAI

Present : Tmt.A.Premavathy, B.A., B.L.,

III Assistant Judge

Tuesday, the 4th day of August 2026

I.A.Nos. 4 of 2026 and 5 of 2026

in

O.S.No. 2933 of 2026

(CNR.No.TNCH01-003573-2026)

Mr. Francis Menezes,
S/o. Mathais Menezes Now aged about 63 years,
Presently residing at 1, Nav Vijay Bharti CHS,
Plot No. 168, Bandra (E), Mumbai-400 051.

...Petitioner/Plaintiff

/Vs./

1. All India Bank Officers Association

(An Organization registered under the
provisions of law including the Trade Union Act)
having their office situated at

A.K. Nayak Bhawan,
2nd Floor, 14, Second Line Beach,
Chennai- 600 001

Rep. by its General Secretary.

2. Mr. V. Ananathanarayanan,

Election officer,
All India Bank Officers Association,
Central office, 2nd Floor,

109/10, Angappa Naichen Street,
Chennai-600 001.

3. Mr. Alok Khare,
Chairman,
All India Bank Officers Association,
Central office, 2nd Floor,
109/10, Angappa Naichen Street,
Chennai 600 001.

4. Mr. Anil Kumar V,
Vice Chairman,
All India Bank Officers Association,
Central office, 2nd Floor,
109/10, Angappa Naichen Street,
Chennai-600 001.

5. Mr. A.N. Suresh,
President,
All India Bank Officers Association,
Central office, 2nd Floor,
109/10, Angappa Naichen Street,
Chennai-600 001.

6. Mr. S. Nagarajan,
General Secretary,
All India Bank Officers Association,
Central office, 2nd Floor,
109/10, Angappa Naichen Street,
Chennai-600 001.

7. Mr. Jawaher R,
 Treasurer, Vice Chairman,
 All India Bank Officers Association,
 Central office, 2nd Floor,
 109/10, Angappa Naichen Street,
 Chennai-600 001.

...Respondents/Defendants

These Petitions are came up before me for final hearing on 03.08.2026 in the presence of M/s. T.D.K. Govindarajan, S. Apunu, V. Sivaraman, B. Elakkiya counsels for the Petitioner/plaintiff and M/s. SP. Srinivasan, N. Sachidanantham Counsels for the respondents 1, 2 and 4 to 7 and 3rd respondent being called absent and set-exparte and upon hearing the arguments of both side and upon perusing the records and having stood over for consideration till this day, this court delivers the following:

COMMON ORDER

The Petition in IA No. 4/2026 has been filed under order XXXIX Rule 1 and 2 of CPC, to grant ad interim injunction restraining the 1st Respondent/1st Defendant from holding 9th National Conference at Thiruvananthapuram as proposed from 7th to 9th August, 2026 pending disposal of the above suit and pass such other order and render justice. The Petition in IA No. 5/2026 has been filed under order XXXIX Rule 1 and 2 of CPC, to grant ad Interim injunction restraining the Respondents 3 to 7/Defendants 3 to 7 claiming to be the present office bearers of the 1st Respondent/1st Defendant from functioning as such by virtue of the alleged election said to have been conducted on 22.05.2023 in any manner whatsoever and pass such order and render justice.

1. Brief averments of the affidavit filed by the petitioner is as follows:-

The petitioner submit that it is matter of record that the Respondent No.1 issued a notice dated 20th October, 2022 whereby, the General Body meeting of the Association has been called at Chandigarh from 25th to 27th November, 2022 wherein a specific agenda has been provided about the Elections in respect of the office bearers to be held in the manner as stated in the Rules and Regulations (Bye-laws). I submit that I am in possession of a communication dated 12th February, 2023 addressed to the State Committees wherein, it has sought to be suggested that the 8th National Conference of the Organization held on 25th to 27th November, 2022 stood adjourned due to Units request to conduct the elections of the office bearers through Secret Ballots. I submit that in view of the fact that none of the procedure and/or rules and regulations have been followed by the Respondents 1 and 2, all the members circulated a Circular calling upon the members not to participate in the said voting process. I submit that in short, the entire election process is an abuse of process of law for various reasons mentioned elaborately in the suit plaint. The Constitution and Bye-laws/Regulations of the 1st Respondent never authorized them to appoint such Election Officer as sought to be claimed by them privately. I submit that by virtue of bogus election said to have been conducted on 22.03.2023, the Respondents 3 to 7 are claiming to have been elected as office-bearers of the 1 Respondent and they are acting against the interest of the members of the 1 Respondent all over India. I submit that Respondents 3 to 7 have no manner of right to claim, project and continue as office bearers of the 1st respondent and all their actions are illegal and unjust. I

submit that 6th Respondent claiming himself as General Secretary of the respondent has issued a Circular dated 05.04.2026 for making arrangements for 9th National Conference at Thiruvananthapuram from 7th to 9th August, 2026 as per the decision taken in the so-called 5th Central Committee Meeting held at RJS Bhavan, Mamallapuram on 4th & 5th April 2026. It is also humbly prayed that this Hon'ble Court may be pleased to grant ad interim injunction restraining the 1 Respondent/1st Defendant from holding 9th National Conference at Thiruvananthapuram as proposed from 7th to 9th August, 2026 pending disposal of the above suit and pass such other order or direction as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice. Hence the petitions.

2. Brief averments of the Common counter filed by the respondents 1, 2 and 4 to 7 is as follows:-

The respondent submit that already the Hon'ble City Civil Court Mumbai, in OS No. 221 of 2024 has declined to grant interim injunction restraining the defendants from functioning as office bearers, as election has not been set aside. OS No. 221 of 2024, by the Hon'ble City Civil Court, Mumbai it is observed that, "The defendant no.2 to 5 are elected members of All India Bank Officers Association and will suffer irreparable loss in case of order of injunction. The defendant no.2 to 5 are having right to participate in the affairs of Association, being elected member of Plaintiff association, therefore the balance of convenience also lies in favour of defendant no.2 to 5 in the result points no.1 to 3 answered in the negative, in the result pass the following order. Suppressing this fact, the plaintiff herein in his

personal capacity has filed the present suit and seeking interim injunction in this case, which has already been rejected and is binding in the present suit also, as it amounts to resjudicata. No prejudice would be caused to the Plaintiff if the conference is held. IA filed by him does not state the prejudice to be caused to him, if the conference is held from 8th to 9th August, 2026 at Tiruvananthapuram. Whereas, grave prejudice would be caused to D1 and other Defendants herein, as they have spent lakhs of rupees, agenda for raising the grievance of serving bank employees and retired employees is to be discussed and to be taken up with Indian Banks Association at Mumbai and further with the Ministry of Finance. Already the civil court in Mumbai, in OS No. 1252 of 2025 prior to transfer to this Hon'ble Court at Chennai and renumbered as OS No. 2933 of 2026, has declined to grant interim relief of injunction restraining the Defendants from functioning as office bearers. Hence, the said order is binding on the Petitioner/Plaintiff and is not entitled to any interim order. So much so, that the Petitioner/Plaintiff himself participated in the election and secured 14 precious votes and has been unsuccessful. Having lost the election, it is trite that, he should work hard to face the next election, instead, has been filing suits in various courts for the very same relief and litigating with the 1^a Defendant and its office bearers, hampering their activity and hell bent to dislodge the existing office bearers. Without setting aside the election held on 20th May 2023 to 22nd May 2023, interim relief sought for cannot be granted, as only if elections are held to be unfair, improper and violation of bye laws, the 1st Defendant Association and its office bearers, namely D3, D4, D6 to D8 can be restrained from functioning. Hence, interim relief is

subject to out come of main prayer in the suit. Hence this petitions are liable to be dismissed.

3. In this case the 3rd respondent was called absent set exparte for non-filing of Vakalat, the respondents 1, 2 and 4 to 7 are the contesting respondents in the above I.As. On the side of the petitioner Ex.P1 was marked. On the side of the respondents 1, 2 and 4 to 7, Ex.R1 and Ex.R2 were marked. No oral evidence adduced.

4. Points for consideration:-

i) Whether the petition to grant Ad Interim Injunction restraining the 1st Respondent/1st Defendant from holding 9th National Conference at Thiruvananthapuram as proposed from 7th to 9th August, 2026 pending disposal of the above suit filed in IA No. 4/26 is to be allowed or not ?

ii) Whether the petition to grant Ad Interim Injunction restraining the Respondents 3 to 7/Defendants 3 to 7 claiming to be the present office bearers of the 1st Respondent/1st Defendant from functioning as such by virtue of the alleged election said to have been conducted on 22.05.2023 filed in in IA No. 5/2026 is to be allowed or not ?

iii) To what other relief?

5. Points (i) and (ii):-

(i) It is the contention of the Learned petitioner counsel that the petitioner has filed the above suit seeking for the declaration to declare the election alleged to be held on 20.05.2023 in respect of the 1st defendant organization as illegal contrary to

the rules and regulations and the provisions of the law and also sought for a Permanent Injunction restraining the defendants 1 to 8 from any manner taking charge or acting as committee members of the 1st defendant. The 1st respondent issued notice on 20.10.2022 for a General Body meeting of the Association at Chandigarh from 25.11.2022 to 27.11.2022 with a specific agenda has been provided about the elections in respect of the office bearers to be held in the manner as per Bye-laws. On 12.02.2023, the communication was addressed to the State Committees. From the communication dated 12.02.2023 issued by the 1st respondent indicated that they have decided to hold an election by way of E-voting to be held on 3rd and 4th of March 2023. The respondents 1 and 2 have not follow the rules and regulations of the Bye-laws. The entire election process is an abuse of process of law. The Bye-laws does not provide for conducting General Body meeting and election through E-voting. On 22.05.2023, the conference was conducted by virtual mode and election for the year 2023 was conducted through E-voting. By virtue of the bogus election the respondents 3 to 7 are claiming to have been elected as office bearers of the 1st respondent and they have no manner of right to claim or continue as office bearers of the 1st respondent. The 6th respondent who claims himself as General secretary of the 1st respondent Association has issued a circular on 05.04.2026 for making arrangements for the 9th National Conference at Tiruvananthapuram from 7th to 9th August 2026. Therefore the petitioner has filed the above petition seeking for an Interim Injunction restraining the 1st respondent from holding the 9th National Conference at Tiruvananthapuram from 7th to 9th August 2026 and also restrain the

respondents 3 to 7 from functioning as office bearers of the 1st respondent Association pending disposal of the suit. Hence the petitions have to be allowed.

ii) It is the contention of the learned respondents counsel 1, 2, 4 to 7 that the petitioner has already filed a Civil suit in O.S.No.221/2024 before the City Civil Court, Mumbai challenging the election process dated 22.05.2023. An Interim Injunction petition was filed seeking for the relief restraining the respondents from functioning as office bearers, as the election has not been set-aside. The Interim Injunction petition was dismissed on the ground that the petitioner has filed the suit in the personal capacity and the respondents who are the elected members had right to participate in the affairs of the Association and being elected the member of the 1st respondent Association. The prayer for Interim Injunction restraining the 1st respondent from holding on the conference on 8th and 9th of August can be decided only after the elections are declared as contrary to Bye-laws and election held on 20.05.2023 and 22.05.2023 is set-aside. No prejudice would cause to the petitioner if the conference is held. The 1st defendant has spent lakhs of amount towards of the conference to be held on 8th and 9th of August. Already the Civil Suit filed in the City Civil Court, Mumbai in O.S.No.1252/2025 which is re-numbered as O.S.No.2933/2026 and the Injunction petition which was filed in O.S.No.1252/2025 was declined. The petitioner himself participated in the election and secured 14 votes and has been unsuccessful having lost in the election he has filed suit in various courts for the same relief against the 1st respondent Association and its office bearers. The tenure period of the Association was completed as early as on 20.05.2026.

Therefore the Interim Injunction restraining the office bearers respondents 3 to 7 cannot be granted. Hence the petition has to be dismissed.

6. Heard. Both sides. Records perused.

i) The petitioner is the plaintiff in the above suit, the suit is filed for declaration and Permanent Injunction against the respondents 1 to 7. The petitioner has filed the Interim Application for a grant of Interim Injunction restraining the 1st respondent Association from holding conference on 7th to 8th August 2026 at Tiruvananthapuram, on the ground that election process of the year 2023 is under challenge before this Court. On perusal of the plaint, it is seen that originally the plaintiff has filed a suit in City Civil Court, Mumbai in O.S.No.1252/2025 seeking for a declaration to declare the elections held on 20.05.2023 to be illegal, contrary to the Bye-laws and also sought for Permanent Injunction against the office bearers. The plaint was returned on the ground of territorial jurisdiction that the respondents 1 to 7 are at Chennai. The plaint was presented and it was renumbered as O.S.No.2933/2026. The petitioner has filed **Ex.P1**, the Bye-laws of the 1st respondent Association. **Clause 8** of the By-law speaks about the body constitution of the 1st respondent Association, **Clause 10** says about the Central Committee members, **Clause 14** speaks about the State Committees and **Clause 15** says about Delegates to the General Body. On the other hand, the respondents 1, 2 and 4 to 7 have filed Ex.R1 and Ex.R2. On perusal of **Ex.R1**, it is the order passed in Notice of Motion Number 3752/2025 in Suit number 1252/2025. It is seen that the City Civil Court, Mumbai has dismissed the Interim Injunction petition on merits on 14.11.2025 filed by the petitioner restraining the respondents 3

to 7 from participating in the affairs of the 1st respondent Association.

7. Admittedly I.A.No.5/2026 is also filed for the same relief restraining the respondents 3 to 7, the office bearers of the 1st respondent Association for functioning as office bearers. Since the subject matter regarding the Interim Injunction restraining the respondents 3 to 7 from functioning as office bearers was already decided on merits in the present suit which is renumbered as 2933/2026. The petitioner is not entitled for the relief as prayed for in I.A.No.5/2026.

8. On perusal of Ex.R2, the Order copy of CS.No.609/2023. It is seen that the same plaintiff and another have filed the Civil suit at Dwarka courts, New Delhi challenging the election dated 20.05.2023. The Interim Injunction petition was dismissed on 19.05.2023. The petitioner has suppressed the above material facts in the present Interim Injunction Application and approached this court with unclean hands. Failing in the several attempts in the Civil suit filed challenging the election dated 20.05.2023 the petitioner has approached this court seeking for an Interim Injunction not to conduct the conference of the 1st respondent Association to be held on 7th to 9th August. In the counter of the Respondents 1, 2 and 4 to 7 it is averred that the petitioner has participated in the election process which was held on 20.05.2023 and obtained 14 votes and became unsuccessful the same was not denied by the petitioner by way of rejoinder to the counter. Therefore it is clear that the petitioner is an unsuccessful candidate in the election which was conducted on 20.05.2023 and filed several suits before New Delhi, Mumbai and Chennai from the year 2023 to 2026 challenging the election process dated 20.05.2023. The petitioner has not made

out a prima-facie case the balance of convenience is not in favour of the petitioner, no loss of injury would be caused if Injunction is not granted. **Regarding grant of Interim Injunction - Order 39 Rule 1 & 2 CPC clearly states as follows:-**

“1. Cases in which temporary injunction may be granted – Where in any suit it is proved by affidavit or otherwise.

a) that any property in dispute in a suit is in danger of being wasted, damaged or alienated by any party to the suit or wrongfully sold in execution of a decree or

b) that the defendant threatens or intends to remove or dispose of his property with a view to (defrauding) his creditors.

c) that the defendant threatens to dispossess, the plaintiff or otherwise cause injury to the plaintiff in relation to any property in dispute in the suit. In this aspect **The Hon’ble Supreme Court in the case of Dalpat Kumar Vs. Prahlad Singh and others 1992 (1) SCC P-719 provided guidance on the principles for granting Temporary Injunction under Order 39 Rule 1 of CPC**, “emphasizing the requirement to establish a prima facie case, irreparable injury and the balance of convenience and held that all three must be present, mere satisfaction of a prima facie case is not enough for an Injunction to be granted, if these conditions are not met, the application will be dismissed.”

9. It is settled law that having participated in the election process the contestant cannot challenge the same on being unsuccessful. Further the plaintiff has approached with unclean hands and suppressed material facts. In this aspect **the Hon’ble**

Supreme Court in the case of M/s Tomorrowland Limited Vs Housing and Urban Development Corporation Limited dated 13.02.2025 observed that “ any party approaching court equity must come with clean hands as any contrary conduct must warrant turning down relief to such a party, owing to it acting in good faith beguiling the court with the duty secure undue gain.” The above citation applies to this case. Therefore in the interest of justice, this court is not inclined to allow the above Interim Injunction petitions. Hence IA No.4/2026 and IA No.5/2026 are dismissed.

In the result, this petitions are dismissed. No costs.

Directly dictated to the steno-typist, typed by him, corrected and pronounced by me in open court on this the 4th day of August 2026.

**III Assistant Judge
City Civil Court, Chennai.**

Petitioner's side Witnesses: Nil

Petitioner's side Exhibits :

Ex.P1	-	Bye-laws of the 1 st respondent Association	Copy
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Respondent's side Witnesses : Nil

Respondent's side Exhibits :

Ex.R1	14.11.2025	Order passed in Notice of Motion Number 3752/2025 in Suit number 1252/2025	Copy
Ex.R2	19.05.2023	Order of the court of SH. Ashish Kumar Meena. L.D. CJ-01. Court No 208. SW. Dwarka, New Delhi.	Copy

**III Assistant Judge
City Civil Court, Chennai.**