

**IN THE COURT OF THE MUNSIFF, PERUMBAVOOR**

**Present:- Smt. Sumeey Chandran, Civil Judge (Junior Division)**  
Saturday, the 26<sup>th</sup> day of July, 2025 / 4<sup>th</sup> Sravana, 1947.

**I.A. No.5/2025 in O.S. No. 145/2025**

**Petitioners/Plaintiffs:-**

1. Saw Mill Owners and Plywood Manufacturers Association  
Reg.No. EKM/TC/727/2012, 2<sup>nd</sup> Floor, City Estate, M. C. Road,  
Perumbavoor P.O., Ernakulam District, Pin: 683 542.
2. The first Plaintiff represented by its president Mujeeb Rehman,  
S/o. Moosa, Aged 54 years, Mookkada House, Mudickal.P.O,  
Pallipram Kara, Perumbavoor Village, Perumbavoor,  
Kunnathunad Taluk, Ernakulam District, Pin: 683 547.
3. The First Plaintiff represented by its Secretary Shafeek P.K,  
S/o. Kunju Muhammed, Aged 47 years, Pathanayath House,  
Allapra P. O, Perumbavoor, Vengola Kara, Vengola Village,  
Kunnathunad Taluk, Ernakulam District, Pin-683 556
4. The First Plaintiff represented by its Treasurer C M Ashraf,  
S/o. Moideen, Aged 57 years, Chirakkakudy House, Vengola  
Kara, Vengola Village, Kunnathunad Taluk, Allapra P.O,  
Ernakulam District, Pin-683 556.
5. The First Plaintiff represented by its Vice President Babu  
Saidaly, S/o. Bava Saidaly, Aged 46 years, Thailan,  
Pattimattam P.O, Choorakkadu Kara, Pattimattam Village,  
Kunnathunad Taluk, Ernakulam District, Pin-683 562.
6. The First Plaintiff represented by its Vice President  
Saidukunju P. M, S/o. Muhammed, Aged 63 years, Puthussery  
House, Mulavoor Kara, Mulavoor Village,, Muvattupuzha Taluk,  
Pezhakkapilly P.O, Ernakulam District, Pin-686 673.
7. The First Plaintiff represented by its Vice President  
Thomas P. R @ Shaji Raphael, S/o. Raphael, Aged 55 years,  
Parakkal House, Pulluvazhy Kara, Rayamangalam Village,  
Pulluvazhy.P.O, Perumbavoor, Kunnathunad Taluk,  
Ernakulam District, Pin-683 541.
8. The First Plaintiff represented by its Vice President Khalid P.H,  
S/o. Hassainar, Aged 58 years, Parayamkudy House, Pallipram  
Kara, Marampilly Village, Kunnathunad Taluk, Pallipram P.O,  
Perumbavoor, Ernakulam District, Pin-683 547.

9. The First Plaintiff represented by its Joint Secretary Shameer K. A, S/o. Adulla, Aged 43 years, Kanampuram House, Iringole Kara, Perumbavoor Village, Kunnathunad Taluk, Malamury P. O, Perumbavoor, Eranakulam District, Pin-68354.
10. The First Plaintiff represented by its Joint Secretary Jameer M. K, S/o. Khader, Aged 51 years, Madathattu House, Pallipram Kara, Marampilly Village, Pallipram P. O, Perumbavoor, Kunnathunad Taluk, Eranakulam District, Pin-683 547.
11. The First Plaintiff represented by its Joint Secretary Alvinshan, S/o. N. V. Muhammed, Aged 37 years, Nanethan House, Vengola Kara, Vengola Village, Kunnathunad Taluk, Allapra P. O, Perumbavoor, Eranakulam District, Pin-683 556.
12. The First Plaintiff represented by its Joint Secretary C. S Moitheenkunju, S/o. Sulaimankutty, Aged 55 years, Chirakkakudy House, Vengola Kara, Vengola Village, Kunnathunad Taluk, Allapra P. O, Perumbavoor, Eranakulam District, Pin-683 556.

By Advs. T. R. Ramanadhan, Lakshmi Ramanadhan,  
P. U. Vimalkumar & Muhammad Musthaq J. M.

**Respondents/Defendants:-**

1. M H Riyas, S/o. Hamsa, Aged 46 years, Mookkada House, Mudickal P. O, Eranakulam District, Pallipram Kara, Marampilly Village, Perumbavoor, Kunnathunad Taluk, Eranakulam District, Pin-683 547.
2. Abdul Azeez P A, Aged 63 years, S/o. Alikunju, Pandiarappilly House, Vazhappilly Kara, Velloorkunnam Village, Mudavoor P.O, Muvattupuzha Taluk, Pin-686 669.
3. V. A. Pareeth, S/o. Andru, Aged 66 years, Vellamvelil House, Rayonpuram Kara, Chelamattom Village, Kunnathunad Taluk, Rayonpuram P.O, Pin-683 543.

By Adv. P. Thomas Geevargheese & Sanjay S.

This petition having been finally heard before me on 14/07/2025 and the Court on 26/07/25 passed the following:-

**O R D E R**

1. Petition under Order XXXIX Rule 1 of the Code of Civil Procedure.
2. The first petitioner in the suit is an association. The second petitioner is the President of the first petitioner and is competent to represent it. The petitioners state that they are the only duly elected representatives of the association, especially in light of the dismissal of I.A. No. 2/2024 in O.S. No. 218/2024 by this Court. The respondents, according to the petitioners, have no locus standi to represent association, which is evident from the extensive documentary evidence produced in C.M.A. No. 18/2024 before the Hon'ble Sub Court. That appeal arises out of the dismissal of I.A. No. 2/2024 in O.S. No. 218/2024.
3. The present suit has been filed seeking a declaration and consequential injunction. The temporary injunction is sought to preserve the status quo anti and to prevent unlawful interference. The respondents have published a notice without a proper agenda, to conduct a general body meeting on 30/06/2025. The conduct of the said general body meeting and election are not according to byelaw. There was no agenda circulated, which makes the entire process invalid.
4. It is alleged that the respondents are in the habit of issuing fresh notices from time to time, altering their content and nature, which shows their intention to manipulate the situation to their advantage. Hence, the present petition has been filed to preserve the status quo anti.
5. The respondents have filed a detailed objection stating that the petition is not maintainable. It is their contention that the second petitioner has no authority to represent the first petitioner, namely, the Somil Owners and

Applied Manufacturers Association (herein after called SOPMA). They allege that the second petitioner and the other petitioners are not entitled to act on behalf of the association.

6. According to the respondents, the second petitioner is a former President of SOPMA who was removed due to financial irregularities. His removal was effected by a resolution of the executive committee dated 24/06/2024. A notice dated 17/06/2025 was published calling for the election of office-bearers of SOPMA for the year 2025–2026. The notice was served to all members, including the petitioners. However, the petitioners have produced only the first page of the said notice before this Court, deliberately omitting the second page, which contained the election notification. The respondents now produce the full election notification along with their objection.
7. The original suit was filed to stay the conduct of the general body meeting. Along with it, I.A. No. 2/2025 was filed seeking temporary injunction. Owing to the non-sitting of the Court, no urgent orders could be passed. It is further pointed out that a related suit, O.S. No. 218/2024, is already pending before this Court concerning the removal of the second petitioner from the presidency of SOPMA. In that matter, the respondent had filed a temporary injunction application which was dismissed, and an appeal against the same is now pending as C.M.A. No. 18/2024 before the Hon'ble Sub Court.
8. The first petitioner has also filed I.A. Nos. 10/2025 and 11/2025 in CMA 18/2024 seeking to stay the conduct of the general body meeting and for the appointment of a Commissioner. Both applications were dismissed by the Hon'ble Sub Court. The respondents argue that the present petition has been filed only to maintain a status quo anti which no longer exists in law.

Hence, the petition is liable to be dismissed.

9. From the above rival contentions, the following points are settled for consideration:-

1. Have the petitioners made out a prima facie case?
2. Is the balance of convenience in favour of the petitioners?
3. Will the petitioners be put to irreparable loss and injuries in the event of not granting the interim prohibitory injunction order?
4. Order as to costs?

10. Heard both sides. From the side of petitioners, Ext. A1 to A9 documents were marked. From the side of respondents, Ext. B1 to B22 documents were marked.

11. **Point Nos. 1 to 3:-** The contention of the petitioners is that the second petitioner is the duly elected President of the association and, therefore, competent to represent the same. It is their case that the first respondent is a former President who was removed from office on 24/06/2024 on account of financial misconduct, and he no longer has any authority to act on behalf of SOPMA. The petitioners have produced Exhibit A2, being the list of elected members in the election conducted on 29/08/2024. In contrast, the respondents rely on a rival list of elected members in an election allegedly held on 11/07/2024. Exhibit A2 evidences that the second petitioner is the President of SOPMA as per the election held on 29/08/2024. The respondents, however, contend that the first respondent, elected in the election held on 11/07/2024, is the President, as shown in Exhibit B7.

12. The petitioners further rely on Exhibit A5, which is the order passed in I.A. No. 2/2024 in O.S. No. 218/2024, wherein the election held on 29/08/2024

and the removal of the second petitioner were directly in issue. In that order, this Court found that the removal of the second petitioner from SOPMA and his expulsion from the second petitioner association were both in violation of the bye-laws. It was also found that the election conducted by the first respondent was illegal, having been held without a proper agenda or valid notice. The said findings were based on a consideration of the bye-laws, which mandate that general body meetings must be convened by the Executive Committee with at least seven days' notice, and that the Committee is alone empowered to conduct elections.

13. The respondents have not been able to produce any order or document disproving the said findings. Though they assert that they are the duly elected office-bearers pursuant to the election dated 11/07/2024, it has been held in the order marked as Exhibit A5 that such election was not conducted in accordance with the bye-laws. Consequently, the respondents lack any authority to represent the association.
14. In the present matter, the petitioners have filed I.A. No. 2/2024 seeking an injunction upon receiving notice dated 22/06/2025, informing them of a proposed general body meeting scheduled for 30/06/2025. Their case is that the respondents have no authority to convene such a meeting, as the very foundation of their claim to office stands discredited by Ext. A5 order. Though the petition became infructuous due to the passage of the proposed meeting date, it is pertinent to note that the respondents have no case that they were duly authorised to convene the meeting, nor that they were validly elected. The notice of meeting, marked as Exhibit A8, lacks an agenda and was not issued by a lawfully constituted Executive Committee.
15. The bye-laws, produced as Exhibit A1, clearly stipulate under Clause 6(3)

that a general body meeting must be called by the Executive Committee and that at least seven days' notice must be given, containing a valid agenda. As the election of the first respondent and his Executive Committee has already been found to be unlawful, they are not legally competent to act on behalf of the association. The attempt to call a general body meeting on 30/06/2025, therefore, lacks legal sanction and must be treated as invalid.

16. The petitioners contend that the general body meeting held on 30/06/2025 was not convened in accordance with the provisions of the bye-laws. One of the principal contentions raised is that the said meeting was called without any agenda. According to the petitioners, although the respondents have produced a notice purportedly informing members about the meeting, the same does not mention any agenda. The learned counsel for the respondents, however, submitted that the notice was accompanied by a separate document containing the election notification, and both documents were served together. They have also produced a copy of the said election notification along with the notice. It is true that the general body meeting notice and the election notification are printed on two separate sheets of paper. However, there is no cogent evidence to establish that both documents were properly served upon the petitioners. Moreover, a perusal of the notice convening the general body meeting reveals that it was issued by the Executive Committee and signed by the General Secretary on its behalf. It is pertinent to note that, as held in Exhibit A5, the said Executive Committee was found not to have been validly constituted. Therefore, the calling of the general body meeting on 30/06/2025 cannot be considered legally valid.

17. It is found that general body meeting allegedly held on 30/06/2025, and any election purportedly conducted therein, were not convened or held in accordance with law or the applicable bye-laws governing the Association. They have therefore, sought a direction from this Court to restrain the respondents from giving effect to any decisions or actions claimed to have been taken in the said meeting. The specific prayer made by the petitioners is to issue an order directing the respondents to maintain the status quo as on the date of filing of the suit, so as to preserve the rights of the parties and prevent any further illegal assumption or exercise of authority by the respondents. Thus the petitioners have shown a prima facie case in their favour. If the respondents are allowed to continue functioning based on the election held on 30/06/2025, which would render all relief ineffective. Thus if injunction not granted irreparable injury caused to them. The balance of convenience lies in favour of the petitioners because allowing the respondent to act upon the meeting found as illegal may causes prejudice to the petitioners.
18. Considering the prima facie case made out by the petitioners and the balance of convenience being in their favour, this Court is of the view that an interim order is warranted to preserve the subject-matter of the dispute. Accordingly, there shall be an order directing the respondents to maintain the status quo as on the date of filing of the suit, with respect to the administration, functioning, and representation of the Association, until further orders. It is made clear that any action taken by the respondents pursuant to the impugned meeting and election alleged to have been conducted on 30/06/2025, shall be subject to the final outcome of the suit.
19. **Point No. 4:-** Considering the facts and circumstances of the case, I am not

inclined to allow the costs of the proceedings.

20. **In the result**, this petition is allowed as follows:-

The respondents are directed to maintain status quo as on the date of filing of the suit, with respect to the affairs, administration, and functioning of the Association, as if no election was held on 30/06/2025.

Dictated to the confdl.asstt., transcribed and typed by her, corrected and pronounced by me in open court on this the 26<sup>th</sup> day of July, 2025.

Sd/-  
Sumey Chandran  
Civil Judge (Junior Division)

**Appendix:-**

**Petitioners' Exhibits :-**

- |    |   |            |   |  |
|----|---|------------|---|--|
| A1 | - | -          | - | Bylaw of Saw Mill Owners and Plywood Manufacturers Association submitted on 26/06/2025.  |
| A2 | - | 29.08.2024 | - | List of Governing body members of Saw Mill Owners and Plywood Manufacturers Association. |
| A3 | - | 19.08.2024 | - | Copy of the plaint in O.S. 218/2024 of Munsiff Court, Perumbavoor.                       |
| A4 | - | 19.08.2024 | - | Copy of the IA 2/2024 in O.S 218/2024 of Munsiff Court, Perumbavoor.                     |
| A5 | - | 29.08.2024 | - | Carbon Copy of the order in IA 2/2024 in O.S 218/2024 of Munsiff Court, Perumbavoor.     |
| A6 | - | 02.09.2024 | - | Copy of the C.M.A 18/2024 in Sub Court, Perumbavoor.                                     |
| A7 | - | 04.09.2024 | - | Copy of the IA 2/2024 in C.M.A 18/2024 in Sub Court, Perumbavoor.                        |
| A8 | - | 16.06.2025 | - | Notice of annual meeting of Saw Mill Owners and Plywood Manufacturers Association.       |
| A9 | - | 25.07.2025 | - | Copy of screen short of E-court service.   |

**Respondents' Exhibits :**

- B1 - 28.06.2025 - Copy of the IA.10/2025 in C.M.A 18/2024 in Sub Court, Perumbavoor.
- B2 - 19.08.2024 - Copy of the plaint in O.S 218/2024 of Munsiff Court, Perumbavoor.
- B3 - 22.08.2024 - Copy of the plaint in O.S 48/2024 of Sub Court, Perumbavoor.
- B4 - 17.06.2025 - Copy of the election declaration and notice of  
16.06.2025 Annul General Body meeting of Saw Mill Owners and Plywood Manufacturers Association.
- B5 - - - Photo copy of the news in news paper relating the Saw Mill Owners and Plywood Manufacturers Association submitted on 30.06.2025.
- B6 - 22.08.2024 - Copy of the plaint in O.S 48/2024 of Sub Court, Perumbavoor.
- B7 - 11.07.2024 - List of Governing body members of Saw Mill Owners and Plywood Manufacturers Association.
- B8 - 27.08.2024 - Copy of Order in IA 5/2024 in O.S 48/2024 of Sub Court, Perumbavoor.
- B9 - 03.06.2025 - Copy of the Judgment in O.S 48/2024 of Sub Court, Perumbavoor.
- B10 - 30.06.2025 - Copy of the IA 11/2025 in O.S 145/2025 of Munsiff Court, Perumbavoor.
- B11 - - - Copy of the OP (society) filed before the District Court, Ernakulam submitted on 30.06.2025.
- B12 - 03.06.2025 - Copy of the Judgment in O.S 48/2024 of Sub Court, Perumbavoor.
- B13 - 24.06.2024 - Copy of the extract of the Minutes Book.
- B14 - - - Copy of the screen shot of whats App chat submitted on 27.06.2025.
- B15 - 24.08.2024 - Copy of the Counter affidavit in O.S 218/2024 of Munsiff Court, Perumbavoor.

- B16 - 10.01.2020 - Copy of the order in IA.7830/2019 in OP (society) 278/2019 of District Court, Ernakulam.
- B17 - 28.06.2025 - Copy of the affidavit in C.M.A 18/2024 of Sub Court, Perumbavoor
- B18 - 17.06.2025 - Copy of the election declaration and notice of Annul General Body meeting of Saw Mill Owners and Plywood Manufacturers Association  
16.06.2025
- B19 - 30.06.2025 - Certified copy of the Order in IA. 11/2025 in C.M.A 18/2024 of Sub Court, Perumbavoor
- B20 - 08.10.2024 - Copy of the replay under RTI Act from District Registrar (General), Ernakulam.
- B21 - 11.07.2024 - Copy of the Minutes and Reports of General Body meeting of Saw Mill Owners and Plywood Manufacturers Association
- B22 - 30.06.2025 - Certified copy of the Order in IA.10/25 in C.M.A 18/2024 of Sub Court, Perumbavoor.

**Court Exhibits :- Nil**

**Petitioners' Witnesses :-Nil**

**Respondents' Witnesses :- Nil**

**Court Witnesses:- Nil**

Id/-  
Civil Judge (Junior Division)  
(By Order)

// True Copy //

(Carbon Copy issued as per order in I.A. 06/25 in OS.145/25 dtd 29/07/25.

Examiner/Junior Superintendent

Typed by : Kmb  
Compd.by : Jav

Carbon Copy of Order in  
I.A. No. 5/2025 in  
O.S. No. 145/2025  
Dated : 26.07.2025