

IN THE COURT OF THE MUNSIFF, PERUMBAVOOR

Present:- Smt. Sumey Chandran, Civil Judge (Junior Division)

Tuesday, the 14th day of October, 2025/22nd Aswina 1947

I. A No.07/2025 in OS No.145/2025

Petitioner/Plaintiffs:-

- 1 M H Riyas, S/o Hamsa, Aged 46 years,
Mookada House, Mudickal P.O, Pallipram Kara,
Marambilly Village, Perumbavoor, Ernakulam District.
- 2 Abdul Azeez P A, Age 63 years, S/o Alikunju,
Pandiarappilly House, Vazhappilly Kara, Velloorkunnam Village,
Mudavoor.P.O, Muvattupuzha Taluk, Pin: 686669.
- 3 V A PAREETH, S/o Andru, Aged 66 years, Vellamvelil House,
Rayonpuram Kara, Chelamattam Village, Rayonpuram P. O,
Kunnathunadu Taluk, Pin: 683 543.

By Advs. Muhammed Abbas M I & Sfarunnesa M A

Respondent/Defendant:-

- 1 Saw Mill Owners And Plywood Manufacturers
Association Reg. No. EKM/TC/727/2012, 2nd Floor,
City Estate, M.C.Road, Perumbavoor P.O., Pin: 683542.
- 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,
Kunnathunadu Taluk, Ernakulam District, Pin:683547
- 3 The First Plaintiff represented by its Secretary Shafeek P K,
S/o Kunju Muhammed, Aged 47 years, Pathanayath House,
Allapra.P. O, Vengola Kara, Vengola Village, Perumbavoor,
Kunnathunadu Taluk, Pin: 683556.
- 4 The First Plaintiff represented by its Treasurer C M Ashraf,
S/o. Moideen, Aged 57 years, Chirakkakkudy House,
Vengola Kara, Vengola Village, Allapra P. O,
Kunnathunadu Taluk, Ernakulam District, Pin: 683556.
- 5 The First Plaintiff represented by its vice President
Babu Saidaly, S/o Bava Saidaly, Aged 46 years, Thailan,
Pattimattom P. O, Choorakkodu Kara, Pattimattom Village,
Kunnathunadu Taluk, Ernakulam District, Pin: 683562.

- 6 The First Plaintiff represented by its Vice President Saidu Kunju P M, S/o. Muhammad, Aged 63 years, Puthussery House, Mulavoor Kara, Mulavoor Village, Pezhakkappilly P O, Muvattupuzha Taluk, Ernakulam District, Pin: 686673
- 7 The First Plaintiff represented by its Vice President Thomas P R @ Shaji Raphael, S/o Raphael, Aged 55 years, Parakkal House, Pulluvazhy Kara, Pulluvazhy P. O, Rayamangalam Village, Perumbavoor, Kunnathunadu Taluk, Ernakulam District, Pin: 683541.
- 8 The First Plaintiff represented by its vice president Khalid PH, S/o. Hazainar, Aged 58 years, Parayankudy House, Pallipram Kara, Marambilly Village, Pallipram P O, Perumbavoor, Kunnathunadu Taluk, Ernakulam District, Pin: 683547.
- 9 The First Plaintiff represented by its Joint Secretary Shameer K A, S/o. Abdulla, Aged 43 years, Kannampuram House, Eringol Karar, Perumbavoor Village, Malamury P O, Perumbavoor, Kunnathunadu Taluk, Ernakulam District, Pin: 683542.
- 10 The First Plaintiff represented by its Joint Secretary Jameer M K, S/o Khader, Aged 59 years, Madathattu House, Pallipram Kara, Marambilly Village, Pallipram P.O. Perumbavoor, Kunnathunadu Taluk, Ernakulam District, Pin: 683547.
- 11 The First Plaintiff represented by its Joint Secretary Alvinshan, S/o. N V Muhammed, Aged 37 years, Nanethan Hose, Vengola Kara, Vengola Village, Allapra P O, Perumbarvoor, Kunnathunadu Taluk, Ernakulam District, Pin: 683556.
- 12 The First Plaintiff represented by its Joint Secretary C S Moitheenkunju, S/o. Sulaimankutty, Aged 55 years, Chirakkakudy House, Vengola Kara, Vengola Village, Allapra. P.O., Perumbavoor, Kunnathunadu Taluk, Ernakulam District, Pin: 683556.

By Advs. T R Ramanathan, Lakshmi Ramanathan &
T M Muhammed Mustaq

This petition having been finally heard before me on 14/10/2025 and the court on the same day passed the following:-

ORDER

1. The case of the petitioner in the above petition is as follows:- The petitioner is the first counter-claim plaintiff in the above suit and also the first petitioner herein. The second and third counter-claim plaintiffs are respectively the President, Secretary and Treasurer of the first petitioner association, having been duly elected to those offices in the general body election held on 30-06-2025. The present affidavit has been sworn by the first petitioner on his own behalf as well as on behalf of the said second and third counter-claim petitioners, under their specific authorisation and instructions.
2. The petitioners are the defendants in the original suit and the plaintiffs in the counter-claim, whereas the counter-claim defendants are the plaintiffs in the main suit. The respondents 2 to 12 have, according to the petitioner, no authority whatsoever to represent the first plaintiff association. They claim to be office-bearers of the said association on the strength of an alleged general body meeting purportedly held on 29-08-2024. The said meeting, it is contended, is wholly illegal, void and contrary to the provisions of the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955 as well as to the bye-laws of the association. Consequently, all decisions purported to have been taken therein are without legal sanction.
3. The first respondent association is a registered society under the T.C. Act, 1955. The petitioners state that they were the duly elected office-bearers of the said association and that their election has been duly recognized by the Registrar concerned. Hence, the allegations raised against their valid election and assumption of office are unsustainable in law.
4. It is further contended that no general body meeting of the first respondent association was convened on 29-08-2024. The second respondent and his

supporters had, on their own, published a notice dated 08-08-2024 incorporating the names of the first and second respondents as though it was issued on behalf of the association. The petitioners submit that the first respondent has no connection with the said notice, which is patently illegal and violative of Clause 10(3) of the bye-laws. The said clause reads as follows:- “10(3): പൊതുയോഗം വിളിച്ചുകൂട്ടുക - The executive committee shall alone have the power to convene the general body meeting.” According to the petitioner, the executive committee of the association had not taken any decision to convene a general body meeting on 29-08-2024. The absence of any such decision is evident from the impugned notice dated 08-08-2024. Therefore, the alleged general body meeting held on 29-08-2024 is wholly illegal and against the constitution of the association. It is also pointed out that as per Clause 14(1) of the bye-laws, the power to issue notice for convening meetings is vested solely in the General Secretary. The clause stipulates that it is the duty of the General Secretary to call for meetings of the executive committee and the general body. Hence, the publication of the notice dated 08-08-2024 by any person other than the General Secretary is void and of no legal consequence.

5. The petitioner asserts that the mere assembly of a few members cannot be treated as a general body meeting. Therefore, respondents 2 to 12 have no right or authority to function as the apex executive authority of the association. The petitioners, being the lawfully elected and recognized office-bearers, continue to hold charge of the office, records and minutes of the association, and have therefore filed the counter-claim seeking a declaration to that effect. Most members of the association, it is stated, have not recognised respondents 2 to 12 as office-bearers, since their alleged election is contrary to

the bye-laws and the registered constitution. The petitioners therefore contend that the declaration sought by respondents 2 to 12 in the plaint cannot be granted, and that their alleged election held on 29-08-2024 is illegal, void and *ultra vires* the constitution of the association. The petitioners further aver that, in accordance with a valid decision of the duly constituted executive committee, a notice dated 16-06-2025 was published for conducting the general body meeting on 30-06-2025. Pursuant to that notice, the general body was duly convened and new office-bearers were elected in a transparent manner strictly following the provisions of the bye-laws. Hence, the petitioners have full right and authority to represent the first respondent association. Accordingly, the petitioners seek a order declaring that the alleged election of respondents 2 to 12 held on 29-08-2024 is illegal and contrary to the bye-laws, and that they have no right or authority to represent or administer the affairs of the association or to take any policy decisions in its name. The petitioners also pray for a decree of permanent injunction restraining respondents 2 to 12 from acting or holding themselves out as office-bearers of the association or from interfering with its lawful administration. The petitioners finally submit that unless an order of temporary injunction is granted pending disposal of the counter-claim, irreparable injury and hardship will be caused to the members of the association and to the duly elected administrative committee, which cannot be compensated in terms of money. Hence, It is therefore just and necessary that a temporary injunction be issued restraining respondents 2 to 12 from acting as office-bearers of the first respondent association or from interfering with its administration until the disposal of the counter-claim.

6. The case of the respondents is as follows:- The first respondent is the President of the first respondent/first plaintiff association, and the second respondent is

its Secretary. The second respondent had sworn this affidavit for and on behalf of the other respondents/plaintiffs, being duly authorised to do so. According to the respondents, the injunction application is not maintainable either in law or on facts. It has been filed only with a view to harass the plaintiffs, who are the respondents herein. The petitioners have no locus standi to seek a temporary prohibitory injunction restraining the respondents from representing or administering the first respondent association. The association itself is the first plaintiff in the suit, and it is represented by the respondents 2 to 12, who are its duly elected and recognised office-bearers. The petitioners, on the other hand, have no right or authority to represent the said body. It is contended that the petition is liable to be dismissed in limine, as the affidavit filed in support thereof is insufficient and devoid of material particulars. The first petitioner, Sri. M.H. Riyas, has sworn the affidavit only in his personal capacity and not as the President or authorised representative of the association. Mere filing of a counter-claim and an injunction application does not confer any right at this stage. There is no prima facie case or balance of convenience in favour of the petitioners, and the allegations raised are only an attempt to reopen issues which have already been adjudicated in O.S. No.218/2024 and C.M.A. No. 18 of 2024, both of which were decided against them. The respondents further contend that they were duly elected as the office-bearers of the association in the general body meeting held on 29-08-2024, which was convened pursuant to a valid notice dated 08-08-2024. The said election was held strictly in accordance with the bye-laws and after the dismissal of I.A. No. 2 of 2024 in O.S. No. 218 of 2024. The challenge against that notice and election was repelled by this Court and subsequently by the learned Sub Judge in appeal. Hence, the allegations levelled against the said

general body are untenable and false. It is also submitted that Clause 10(3) of the bye-laws was fully complied with and that the notice dated 08-08-2024 was issued strictly in accordance therewith. The interpretation given by the petitioners to Clause 14(1) is erroneous, as both the General Secretary and the President jointly completed all formalities before convening the general body. The criticisms against the notice and the meeting are unfounded and made only to malign the respondents. The respondents further stated that the counter-claim and the present injunction petition are frivolous, baseless, and contrary to the constitution of the association. The petitioners had already failed before this Court as well as the appellate court, and their present attempt is only an experimental move to re-agitate concluded matters. The so-called minutes book produced by the petitioners is fabricated and manipulated. The meetings said to have been convened by them were without quorum and hence devoid of legal validity. The alleged general body meeting claimed to have been held by the petitioners on 30-06-2025, based on the notice dated 16-06-2025, is wholly without legal sanctity. The said meeting, if at all conducted, was attended by several unauthorised persons who were not members of the association as per the bye-laws. Therefore, it cannot be treated as a lawful meeting. The only valid and legally recognised general body of the association is the one held on 29-08-2024, wherein the present respondents were elected. It is further alleged that the petitioners are illegally retaining the office premises and records of the association and are resorting to manipulation and fabrication to create an appearance of authority. Mere physical possession of the office, even if any, does not confer any legal right of representation. The proceedings in C.M.A. No. 18 of 2024 before the learned Sub Court, Perumbavoor, clearly establish that the petitioners have

been adopting unscrupulous methods to gain an undue advantage. For all these reasons, the respondents submit that the petitioners have failed to establish a prima facie case, or to show that the balance of convenience lies in their favour, or that they would suffer irreparable injury in the absence of injunction. On the other hand, the injunction sought, if granted, would paralyse the lawful administration of the association and cause irreparable hardship to its members.

7. Heard both sides and perused records.
8. In the light of the rival contentions and the materials, the following point arises for consideration is:-
 1. Whether the petitioners are entitled to an order of temporary injunction restraining respondents 2 to 12 from acting as office-bearers of the first respondent association, in view of the documents produced? ”
9. Evidence: from the side of the petitioners, Ext.A1 to A3 were marked and from the side of respondents, Ext.B1 to B3 were marked.
10. **Point no 1:-** Before turning to the factual dispute, it is necessary to look closely at the relevant provisions of the bye-laws of the Sawmill Owners and Plywood Manufacturers Association (SOPMA), produced by the respondents and marked as Exhibit B1. These rules define how the association is to be run and by whom its meetings may be called. Clause 5 provides that every General Body meeting must be convened with at least seven days’ clear notice, which must be circulated by post and also displayed at the association’s office. Clause 7 makes it clear that it is the General Body, and the General Body alone, that has the authority to elect the President, Secretary, Treasurer, and other Executive Committee members. Under Clause 8, the quorum for such a meeting is one-third of the total membership or fifty members, whichever is

less. Clause 9(5) deals with loss of membership of the Executive Committee, stating that a member who fails to attend three consecutive meetings ceases to hold office unless the Committee records a satisfactory reason for the absence.

11. Most importantly, Clause 10(3) confers on the Executive Committee the exclusive power to convene the General Body. No single office-bearer may do so without a decision of the Committee itself. Clause 14 sets out the duties of the General Secretary, which include calling meetings of the Executive Committee and the General Body, maintaining the minutes, and attending to correspondence. The same clause adds that the Joint Secretaries may perform these duties only when the General Secretary is absent or when the Executive Committee expressly authorises them to act.
12. Taken together, these provisions show that the authority to call a General Body meeting is a collective one. The Executive Committee must first take a formal decision, and the General Secretary or, in his authorised absence, a Joint Secretary issues the notice and carries out the administrative steps. Proper notice, quorum, and adherence to procedure under Clauses 5, 7, 8, 10(3) and 14 are therefore essential conditions for the validity of any meeting or election held under the bye-laws.
13. Having interpreted the bye-laws produced as Exhibit B1, the next question that arises for consideration is whether the General Body meeting alleged to have been held on 29 August 2024 was convened and conducted in accordance with those bye-law. The materials produced would show that a notice dated 08 August 2024 was issued in the name of the association, convening the General Body meeting for 29 August 2024. The notice bears the signature of the President, Shri M. M. Mujeeb Rehman, and was issued through the office of the Secretary. It is stated that the then General Secretary, Mr M. H. Riyas,

was not cooperating with the Executive Committee and had abstained from participating in its proceedings. The minutes of the Executive Committee meeting held on 24 June 2024, produced by the respondents, record that the General Secretary had removed the original minutes book and that the Committee thereupon resolved to authorise the Joint Secretary to discharge the duties of Secretary until further orders. Under Clause 14 of Exhibit B1, such delegation is permissible, as it provides that the Joint Secretary shall perform the functions of the General Secretary in his absence or when authorised by the Executive Committee. The resolution of 24 June 2024 therefore operated as a valid authorisation within the meaning of the bye-laws, and the subsequent notice issued under that authority cannot be said to be illegal.

14. The notice was circulated well in advance and affixed at the association's office in compliance with Clause 5 of the bye-laws, which mandates not less than seven days' notice to the members. There is nothing on record to show that any member was denied notice or that the notice was issued without the knowledge of the Executive Committee. The General Body meeting was accordingly convened on 29 August 2024 at the association's registered venue and was attended by more than three hundred and thirty members. Even on the lower membership figure of 447 projected by the petitioners, the attendance easily satisfied the quorum requirement of one-third of the total members or fifty, whichever is less, as provided in Clause 8.
15. The minutes of the said meeting record that the accounts and annual report were presented and that elections were held for the term 2024–2025. Respondents 2 to 12 were elected as the President, Secretary, Treasurer, and other Executive Committee members. The proceedings appear to have been carried out in an orderly and democratic manner. No material has been placed

to show that any irregularity occurred during the conduct of the election or that any member was prevented from participating. Thus an overall assessment, this Court is satisfied that the General Body meeting held on 29 August 2024 was convened under proper authority, that the notice and quorum requirements were duly complied with, and that the election conducted therein was in substantial conformity with the association's bye-laws.

16. The Court has examined the annual General Body notice produced by the respondents. It is on SOPMA's official letterhead bearing the registered number, is dated 08-08-2024, and convenes the General Body for 29-08-2024 at 10.00 a.m. at Vattakkattupady V. M. Auditorium under the chair of the President, Sri. M. M. Mujeeb Rahman. The notice is issued through the Secretary and co-signed with the President, carries a structured agenda including "Election of the Executive Committee and office-bearers for 2024-2025," and prescribes member-identification documents consistent with the one-establishment-one-vote rule. On its face it thus satisfies Clause 5 (sufficient advance notice and formal dissemination) and Clause 14 (issuance by the Secretary). The petitioners' plea that no notice was issued thus cannot stand against the document itself. Moreover, the Executive Committee's resolution of 24-06-2024 authorising the Joint Secretary to discharge the Secretary's duties, read with Clause 14, lawfully enabled the issuance in the Secretary's name. The absence or non-participation of the General Secretary does not vitiate a notice that is institutionally authorised and formally compliant. Accordingly, the Court holds that the notice dated 08-08-2024 was validly issued, and the General Body of 29-08-2024 was convened under proper authority.

17. The Court has examined the annual General Body notice produced by the respondents. It is on SOPMA's official letterhead bearing the registered

number, is dated 08-08-2024, and convenes the General Body for 29-08-2024 at 10.00 a.m. at Vattakkattupady V. M. Auditorium under the chair of the President, Sri. M. M. Mujeeb Rahman. The notice is issued through the Secretary and co-signed with the President, carries a structured agenda including “Election of the Executive Committee and office-bearers for 2024-2025,” and prescribes member-identification documents consistent with the one-establishment-one-vote rule. On its face it thus satisfies Clause 5 (sufficient advance notice and formal dissemination) and Clause 14 (issuance by the Secretary). The petitioners’ plea that Secretary did not issue notice, this cannot stand against the document itself. Moreover, the Executive Committee’s resolution of 24-06-2024 authorising the Joint Secretary to discharge the Secretary’s duties, read with Clause 14, lawfully enabled the issuance in the Secretary’s name. The absence or non-participation of the prior General Secretary does not vitiate a notice that is institutionally authorised and formally compliant. Accordingly, the Court holds that the notice dated 08-08-2024 was validly issued, and the General Body of 29-08-2024 was convened under proper authority.

18. **In the result**, the petition is dismissed.

Dictated to the Snr. Gr. Typist, transcribed and typed by her, corrected and pronounced by me in open court on this the 14th day of October, 2025.

Sd/-

Sumey Chandran,
Civil Judge (Junior Division)

Appendix:-

Petitioner’s Exhibits :-

- A1 - 08.08.2024 - Annual General body Notice of Sawmill owners and plywood manufacturers association (SOPMA)
- A2 - 23.06.2025 - Postal receipt

A3 - 29.07.2025 - Copy of the FIR No.1479/2025 of Perumbavoor police station

Respondent's Exhibits :-

- B1 - Copy of the bye-law of Sawmill owners and plywood manufacturers association (SOPMA) submitted on 26.06.2025
- B2 General Body Minutes Book of Sawmill owners and plywood manufacturers association (SOPMA) submitted on 16.09.2025
- B3 Executive Committee Minutes Book of Sawmill owners and plywood manufacturers association (SOPMA) submitted on 16.09.2025

Court Exhibits :- Nil

Witnesses Exhibits: Nil

Petitioner's Witnesses :-Nil

Respondent's Witnesses :- Nil

Court Witnesses :-Nil

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

// True Copy //

Junior Superintendent

Copy of Order in
I.A No.07/2025 in
OS No.145/2025
Dated: 14/10/2025