

**IN THE COURT OF ADDL. DISTRICT JUDGE -1
KOTTAYAM**

Present:- Smt. Lilly K, Addl. District Judge-I

Saturday 25th day of April, 2026
5th Vaisakha, 1948

CMA No. 47/2025

***Appellant
/Plaintiffs:***

**1. All Kerala Private Bankers
Association Taluk Committee**
Changanacherry Rep by
Secretary, Raveendranatha Kurup,
Aged 53, S/o. Sreedhara Kurup,
Geethanjaly Kurumbanadom P O,
Madappally Village, Changanacherry

2. M C Thomas, Aged 33,
S/o. Thomas, President,
All Kerala Private Bankers
Association Taluk Committee,
Marathinal House,
Changanacherry Village
Changanacherry P O,
Kottayam-686101.

3. Raveendranatha Kurup,
Aged 53, S/o. Sreedhara Kurup
Secretary, All Kerala Private Bankers
Association Taluk Committee
Changanacherry, Geethanjaly
Kurumbanadom P O,
Madappally Village
Changanacherry Taluk.

4. Kunjumon U V,
Aged 63, Treasurer,
All Kerala Private Bankers
Association Taluk Committee
Chanagnacherry Ullattu House

Karukachal Village and
Karukachal P O
Changanacherry Taluk
Kottayam-686540.

**(By Adv. Joy Joseph &
Adv. C.S.Thomas)**

***Respondents/
Defendants-***

1. All Kerala Private Bankers Association, Bankers Bhavan
Kodimatha Kottayam South P O,
Rep by its General Secretary
K K Gopu, aged 59 years,
S/o. Karunakaran Nair ,
Karinjattil House, Ezhakulam
NedumonP O Adoor.

2.P A Jose, President
All Kerala Private Bankers
Association, Bankers Bhavan,
Kodimatha, Kottayam South.P.O

3.K K Gopu, Aged 59 years,
S/o. Karunakaran Nair
Karinjattil House, Ezhakulam
Nedumon P O, Adoor
General Secretary
All Kerala Private Bankers
Association Bankers Bhavan
Kodimatha, Kottayam South P O

**(By Adv. Nigil George Thomas,
Adv. A.R Abhirami Kartha,
Adv. V.J.Joseph, Adv. Archana
Nair M, & Adv. Arun Sasi)**

**Civil Miscellaneous Appeal filed under Order XLIII
Rules 1 & 2 of the Code of Civil Procedure 1908
challenging the order in IA No.1/2025 in O.S.118/2025
dated 14.07.2025 of the Munsiff Court, Changanacherry .**

Between**Petitioners/
Plaintiffs :**

1. All Kerala Private Bankers Association Taluk Committee
Changanacherry Rep by Secretary
Raveendranatha Kurup,
Aged 53, S/o. Sreedhara Kurup
Geethanjaly,
Kurumbanadom P O Madappally
Village Changanacherry Taluk.

2. M C Thomas, Aged 73, S/o.
Thomas, President,
All Kerala Private Bankers
Association Taluk Committee
Marathinal House
Changanacherry Village
Changanacherry P O Kottayam-
686101.

3. Raveendranatha Kurup,
Secretary, All Kerala Private
Bankers, Association Taluk
Committee, Changanacherry,
Aged 53, S/o. Sreedhara Kurup,
Geethanjaly, Kurumbanadom P O,
Madappally Village
Changanacherry Taluk.

4. Kunjumon U V, Treasurer All
Kerala Private Bankers
Association Taluk Committee
Changanacherry, Aged 63,
Ullattu House, Karukachal Village,
Karukachal P O
Changanacherry Taluk
Kottayam-686540.

(By Adv. Joy Joseph)

And:-

**Respondent/
Defendant:-**

1. All Kerala Private Bankers Association,
Bankers Bhavan, Kodimatha
Kottayam South P O, Rep by
its General Secretary
K K Gopu, aged 59 years,
S/o. Karunakaran Nair ,
Karinjattil House, Ezhakulam
NedumonP O Adoor.

2.P A Jose, President,
All Kerala Private Bankers
Association, Bankers Bhavan
Kodimatha,
Kottayam South.P.O

3.K K Gopu, Aged 59 years,
S/o. Karunakaran Nair
Karinjattil House,
Ezhakulam Nedumon P O
Adoor General Secretary
All Kerala Private Bankers
Association, Bankers Bhavan
Kodimatha,
Kottayam South P O

By Adv. K.Madhavan Pillai

This Civil Miscellaneous Appeal having been finally heard on 04.02.2026 and the court on 25.04.2026 delivered the following:-

JUDGMENT

Civil Miscellaneous Appeal filed by plaintiffs under Order XLIII Rule 1 and 2 of Code of Civil Procedure, challenging order dated 14.07.2025 in IA No.1/2025 in OS No.118/2025 of Munsiff's Court, Changanacherry.

2. Suit was for permanent prohibitory injunction and for declaration. Plaintiffs claimed that first plaintiff was affiliated to first defendant and election was conducted duly to the first plaintiff on 22.09.2024. First plaintiff convened a meeting and passed a resolution against the second defendant on 31.01.2025. Without even issuing a show cause notice, the administrative committee of the first plaintiff was expelled by the defendants on 28.04.2025 and the notice was received by the plaintiffs on 02.05.2025. The expulsion of the office bearers of the first plaintiff was against the by-law of the organization. Defendants issued notice on 02.05.2025 disqualifying plaintiffs 2 to 4 for 6 years and they were expelled from the administrative committee. After expelling the administrative committee on 28.04.2025, defendant No.3 issued notice on 07.05.2025, to plaintiffs No.2 to 4, to show cause for not expelling the administrative committee. Plaintiffs submitted explanation to the notice on 08.05.2025. The elected committee had tenure up to 2027, and the expulsion of the plaintiffs was against the principles of natural justice. Plaintiffs sought temporary injunction, restraining respondents from appointing temporary administrative

committee and for permitting plaintiffs No.2 to 4, to do the day-to-day administration of the first plaintiff association.

3. Plaintiffs filed IA No.3/2025, alleging that defendants were trying to constitute new committee and notice was issued to the members of the association. Plaintiffs sought to restrain defendants from constituting new committee.

4. Defendants/respondents filed objection contending that plaintiffs had no locus standi to file the suit. Taluk committee was not functioning at the time of filing of the suit. First plaintiff was not affiliated with the first defendant association. The first defendant did not act in violation of by-laws. Plaintiff 2 and 3 were incompetent to represent the first plaintiff. Disciplinary proceedings were taken by the District Committee. The first plaintiff association had no separate by-law of its own. District Committee can dissolve Taluk Committee as per clause 10(e) of by-law and as per clause 12(b), President can nominate five members to the District Committee. Declaration was published in the WhatsApp group on 10.02.2025 by the District Committee and the plaintiffs were directed to withdraw WhatsApp post which violated the

by-law of the first defendant. The new Taluk Committee was constituted and general body meeting was held on 08.06.2025. Defendants sought for dismissal of the application.

5. After hearing both sides, as per Common Order dated 14.07.2025, the learned Munsiff dismissed the applications. It was found that show cause notice was issued to plaintiffs as revealed from Ext.A2 to A4 and even though plaintiff had a prima facie case, balance of convenience was in favour of the defendants. It was found that the suit was filed to overcome the disciplinary proceedings initiated by defendants against the plaintiff.

6. No appeal was filed challenging order of dismissal of IA No.3/2025. Appeal was filed by plaintiffs challenging order of dismissal of IA No.1/2025. It was contended that the impugned order was arbitrary and perverse. The fact that the dissolution of the Taluk committee was done on 28.04.2025, without issuing show cause notice to the plaintiffs in violation of principles of natural justice, was not considered by the trial Court. The trial Court relied on the respondents authority

without examining the legality of dissolution process. No notice was issued to plaintiffs before dissolution, and no opportunity of hearing was given. They had a tenure up to 2027 and hence irreparable loss and hardship was caused to the plaintiffs. Balance of convenience was also in favour of the plaintiffs and hence status quo ante with respect to the existing committee had to be maintained. Appellants/plaintiffs sought to set aside the impugned order dated 14.07.2025 in IA No.1/2025.

7. Based on the contentions in the appeal memorandum, the following points arise for consideration.

1. Whether the plaintiffs/appellants established balance of convenience and irreparable loss and injury in case injunction was refused?
2. Whether there is any ground to interfere with the impugned order passed by the learned Munsiff?
3. Relief and costs?

8. Heard both sides. Learned counsel for petitioners/appellants filed the argument notes. The parties are hereinafter being referred with respect to their status in the suit.

9. Point Nos.1 and 2:- According to the learned counsel for plaintiffs, the elected office bearers of the Taluk Committee of Kerala Private Bankers Association had tenure up to 2027. They were unlawfully removed from the office for passing a resolution dated 31.01.2025 regarding the improper actions of the State Committee, in co-opting a member to the State Committee by the second respondent without consulting Taluk Committee. The committee was dissolved and plaintiffs were expelled in violation of the principles of natural justice, without affording opportunity of hearing. The fact that balance of convenience was in favour of the petitioners was not considered by the trial Court and hence, status quo ante, has to be restored and the committee has to be reinstated pending disposal of the suit. The purpose of the suit itself will be defeated unless injunction is granted. Learned counsel relied on the decision in **S. L. Kapoor v. Jagmohan (1980 INSC 184)** in support of the argument on violation of principles of natural justice, as no opportunity of hearing was afforded to plaintiffs 2 to 4, before expelling and disqualifying them. Learned counsel sought to set aside the impugned order and sought to direct status quo ante.

10. Learned counsel for respondents/defendants argued that the first plaintiff was not affiliated to the first defendant. According to the learned counsel, the first defendant organization had its head office at Kottayam. According to the learned counsel, the defendants were bound by Exhibit A1 by-law and as per Clause 10(R), the State Committee had the power to dissolve any Taluk Committee and form a new committee within 45 days by convening General Body of the Taluk. According to the learned counsel, President of the first defendant had power under clause 12 of Exhibit A1 by-law to expel the members. According to the learned counsel, show cause notice was issued to the plaintiffs as revealed from Exhibit A2 and A3. According to the learned counsel, steps were also taken to constitute new committee and as such, there was no ground to set aside the impugned order or to interfere with the impugned order. Learned counsel sought to dismiss the appeal.

11. The records reveal that first plaintiff administrative committee had a tenure upto 2027. It is an admitted fact that plaintiffs passed resolution on 31.01.2025 against defendant No.2 and defendants took Exhibit A2 decision on 27.04.2025

to expel plaintiffs 2 to 4. As revealed from Exhibit A2, plaintiffs 2 to 4 were disqualified for a period of 6 years, with effect from 28.04.2025. Exhibit A4 show cause notice dated 28.04.2025 was issued to the plaintiffs who submitted Exhibit A3 reply dated 08.05.2025 referring to show cause notice dated 28.04.2025. Thus Exhibit A2 to A4 documents reveal that show cause notice was issued to the plaintiffs, regarding the decision taken by the defendants to expel the plaintiffs and to disqualify them for a period of 6 years.

12. Exhibit A2 decision to expel the plaintiff No.1 and to disqualify plaintiffs 2 to 4 was in force as on the date of filing of the suit. No stay was sought in respect of Exhibit A2 decision. But the plaintiff chose to file IA No.1/2025 for a temporary injunction, restraining defendants from appointing administrative committee for managing the first plaintiff without conducting election and for permitting plaintiffs 2 to 4 to conduct day-to-day administration of the plaintiff. Plaintiffs had also filed IA No.3/2025, not to constitute new committee for the administration of first plaintiff. But it is an admitted fact that respondents conducted election and new committee was constituted and as such, the relief sought in IA

No.3/2025 became infructuous. No appeal was filed challenging the order dated 14.07.2025 in IA No.3/2025 which became final, as a common order was passed in IA No.1/2025 and IA No.3/2025 by the learned Munsiff.

13. Paragraph 7 of the impugned order reveal that plaintiffs were aware of the fact that election was held by the defendants and new committee was constituted for administering first plaintiff association. Defendants in the objection contended that after constituting the new committee, General Body was also convened on 08.06.2025. Disciplinary proceedings were initiated against plaintiffs 2 to 4, while the suit was filed. The prayer B in the plaint was not to appoint temporary administrative committee without conducting election. The relief of permanent prohibitory injunction sought as prayer B, was the relief sought in IA No.1/2025. Relief A in the suit was to declare decision dated 27.04.2025 to expel the plaintiffs as illegal. Plaintiffs were aware of the fact that, that decision was in force and no stay was sought in respect of that decision. The records also reveal that after expelling the plaintiffs, new taluk committee was constituted and election was also conducted and General Body was also convened on 08.06.2025.

14. In the above circumstances, the plaintiffs cannot seek a temporary injunction not to appoint administrative committee or to grant status quo ante permitting plaintiffs to continue in office. Plaintiff did not also challenge Order in IA No.3/2025. The relief sought in IA No.1/2025 and IA No.3/2025 became infructuous due to the subsequent election and constitution of new administrative committee by the defendants. Exhibit A2 decision remained in force and no stay was granted by the trial Court. New committee was also constructed and General Body was convened on 08.06.2025. In the said circumstances, balance of convenience was in favour of the defendants, as rightly found by the learned Munsiff. As show cause notice was issued to the plaintiff, to which they submitted Ext.A3 reply dated 08.05.2025, the plaintiffs cannot contend that there was violation of principles of natural justice and no opportunity of hearing was given to them.

15. The legality of the expulsion of first plaintiff and disqualification of plaintiffs 2 to 4 is a matter to be decided in trial, and I find no grounds to disagree with the view taken by the learned Munsiff. Hence, there is no ground to interfere with the impugned order passed by the learned Munsiff.

Point No.1 and 2 are found accordingly, against the plaintiffs/appellants.

16. Point No.3:- In view of the findings in Point No.1 and 2, the appeal is found to be without any merit and is liable to be dismissed and I do so. Hence, the appeal is dismissed.

In the result, the appeal is dismissed, by confirming the order dated 14.07.2025 in IA No.1/2025 in OS No.118/2025 of Munsiff's Court, Changanacherry.

Considering the facts and circumstances, no order as to cost.

Dictated to and typed by the Dictation Software, corrected and pronounced by me in open Court, on this the 25th day of April, 2026.

Sd/-
Lilly K.
Addl. District Judge-I
Kottayam

APPENDIX- NIL

Id/-
Addl. District Judge-I

//True Copy//

Copied by:
Compared by:

Sd/-
Lilly K.
Addl. District Judge-I,
Kottayam.