

IN THE COURT OF THE MUNSIFF, CHANGANACHERRY

Present :- Smt. Sarica A.R, Munsiff

Monday 14th day of July, 2025
23rd Ashadam, 1947

I. A. Nos. 1/2025 & 3/2025 in O. S. No. 118/2025

I. A. No. 1/2025 in O.S. No. 118/2025

Petitioners/Plaintiffs :-

1. All Kerala Private Bankers Assossiation, Taluk Committe,
Changanacherry Taluk, represented by its
Secretary,Raveendranatha Kurup, 53 years,
S/oSreedharaKurup, Geethanjali, Kurumbanadam P.O,
Madappally Village, Changanacherry Taluk.
2. M.C Thomas, 73 years, S/o Thomas, President,
AllKeralaPrivate Bankers Assossiation, Taluk Committe,
Changanacherry Taluk,Marathinal House,
Changanachery Village, Changanacherry P.O.
3. Raveendranatha Kurup, 53 years, S/o SreedharaKurup,
Geethanjali, Kurumbanadam P.O, Madappally Village,
Changanacherry Taluk,Secretary,All KeralaPrivate
Bankers Assossiation, Taluk Committe,
Changanacherry Taluk.

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

By Adv. S Pradeep Kumar & Adv. Kurien Joseph

Counter Petitioners/Defendants: :-

1. All Kerala Private Bankers Association, Bankers Bhavan, Kodimatha, Kottayam South P.O, represented by its General Secretary K.K Gopu, 59 years, S/o Karunakaran Nair, Karinjattil House, Ezhakulam, Nedumon P.O, Adoor.
2. P.A Jose, President, All Kerala Private Bankers Association, Bankers Bhavan, Kodimatha, Kottayam South P.O.
3. K.K Gopu, 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

I.A. No. 3/2025 in O.S. No. 118/2025

Petitioner/Plaintiff :-

1. All Kerala Private Bankers Association, Taluk Committee, Changanacherry Taluk, represented by its Secretary, Raveendranatha Kurup, 53 years, S/o Sreedhara Kurup, Geethanjali, Kurumbanadam P.O, Madappally Village, Changanacherry Taluk.

2. M.C Thomas, 73 years, S/o Thomas, President, All Kerala Private Bankers Association, Taluk Committee, Changanacherry Taluk, Marathinal House, Changanacherry Village, Changanacherry P.O.
3. Raveendranatha Kurup, 53 years, S/o Sreedhara Kurup, Geethanjali, Kurumbanadam P.O, Madappally Village, Changanacherry Taluk, Secretary, All Kerala Private Bankers Association, Taluk Committee, Changanacherry Taluk.
4. Kunjumon U.V, 63 years, Treasurer, All Kerala Private Bankers Association, Taluk Committee, Changanacherry Taluk, Ullattu House, Karukachal Village, Karukachal P.O, Changanacherry Taluk.

By Adv. S Pradeep Kumar & Adv. Kurien Joseph

Counter Petitioners/Defendants: :-

1. 1. All Kerala Private Bankers Association, Bankers Bhavan, Kodimatha, Kottayam South P.O, represented by its general Secretary K.k Gopu, 59 years, S/o Karunakaran Nair, Karinjattil House, Ezhakulam, Nedumon P.O, Adoor.
2. P.A Jose, President, All Kerala Private Bankers Association, Bankers Bhavan, Kodimatha, Kottayam South P.O,

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

By Adv.K Madhavan Pillai

These petitions came up for consideration before this Court on 14.07.2025 and the court on the same day passed the following :-

COMMON ORDER

These petitions are filed for temporary injunction.

2) ***The petition averments in IA 1/2025 are as follows:-***

The petitioner is the 3rd plaintiff in the suit. The first plaintiff is the All Kerala Private Bankers Association Taluk Committee, whereas the first defendant is the All Kerala Private Bankers Association State Committee. The 1st plaintiff is affiliated to the first defendant association and the 2nd plaintiff, its President, the 3rd plaintiff, its General Secretary and the 4th plaintiff, its Treasurer were elected under the authority of the first defendant association on 22-09-2024 for a period of 3 years.

The plaintiffs were running the administration of the 1st plaintiff organisation as per the bylaws. On 31-01-2025, the first plaintiff association had passed a declaration regarding the unlawful activities against the bylaws of the second defendant which was brought to the notice of the 1st defendant association. On 28-04-2025, the 1st defendant association administered by the 2nd and 3rd defendants had evicted the plaintiffs and dissolved their management without any notice or explanation sought from them. A notice was served upon the plaintiffs on 02-05-2025. The defendants have acted in violation to the bylaws. Not only was the committee of the first plaintiff association dissolved, the 2nd, 3rd and 4th plaintiffs were evicted from the responsibilities of the plaintiff organization for a period of 6 years, the information of which was served to them by notice 02-05-2025. This notice is against the bylaws of the association. On 28-04-2025 after the committee was dissolved, on 07-05-2025 under the advise of the 3rd defendant, notice was issued to the 2nd, 3rd and 4th plaintiffs to show cause for their action. An explanation was offered by the 2nd, 3rd and 4th plaintiffs on 08-05-2025 itself. The cause of action taken by the defendants to dissolve the committee and evict the plaintiffs from administrative capacity is against the bylaws. Thereafter the plaintiffs have received information that the defendants are

attempting to create a temporary committee. This will cause to forging of reports and fabricating evidence and will prejudice the interest of the plaintiffs in the suit. Hence this petition.

3) **IA 3 of was filed by the plaintiff with the averment that** IA 1/2025 was posted for hearing on 09-06-2025 and when this IA was pending consideration, the defendants have attempted to constitute a fresh committee and notice were served to the members of the association. Thus IA 3 was filed to prevent that election.

4) **The respondents filed objection stating that** the petition is not maintainable in law or facts. The plaintiffs have no locus standi to institute this suit as the Taluk Committee was not functioning at the time of institution of the suit. The subject matter of this suit is not within the jurisdiction of this court. The first defendant is All Kerala Private Bankers Association District Committee with its Head Office at Kottayam and no cause of action has arisen in Changanacherry. The 1st defendant association as per the 10th bylaw has the right to dissolve Taluk Committee and thereafter call upon General Body within 45 days and constitute a fresh committee by election. The 1st plaintiff association is not affiliated to the 1st defendant association. The 1st plaintiff was constituted only for easier administration of the 1st defendant association. The 1st

defendant association has not acted in violation of the bylaws by dissolving the Taluk Committee and dismissing the members therein. The 2nd and 3rd plaintiffs do not have the right to represent the 1st plaintiff association. The 2nd and 3rd defendants have the right to initiate disciplinary proceedings as per the bylaws of the 1st defendant association. The proceedings have been taken by the District Committee. The District Committee is in Kottayam and the cause of action is not within the jurisdictional limits of this court. The 1st plaintiff association does not have a separate bylaw. The 1st plaintiff association that had to comply with the bylaws of the 1st defendant association had violated the provisions of the bylaws. The 1st plaintiff association has no authority the bylaw and disciplinary proceedings have been initiated against them. As per clause 10(e), the District Committee has the authority to dissolve the Taluk Committee and create a new committee within 45 days. As per 12(b), the President has the authority to nominate 5 members to the District Committee. The questioning of this authority of the President to nominate members is against the bylaws. This authority was questioned and false declarations were passed against this power of the president. Even before the decision was made by the District Committee, declarations were passed on 10-02-2025 to the

State PST Whatsapp group. On the directions of the 2nd defendant, the 3rd defendant had directed the plaintiffs to withdraw the message posted on the Whatsapp group unless which appropriate proceedings would be taken against them. The same was ignored by the plaintiffs. However, the 2nd, 3rd and 4th defendants called the committee members of other Taluks and had tried to canvas them for supporting the declaration which was against the District Committee. Despite violation of bylaw and acting in violation and contradiction to the District Committee, the suit is filed without any bonafides. The new Taluk Committee was constituted on 08-06-2024 and the General Body meeting was held on 08-06-2024 in hotel Arcalia. The suit is filed by the plaintiffs only for experimental purpose. Thus, this petition ought to be dismissed.

5) Heard both sides.

6) The points which arose for consideration are: -

- 1) Is there a prima facie case in favour of the petitioners?
- 2) Will the petitioners sustain irreparable injury if an order in these IAs have not been granted?
- 3) Whether the balance of convenience tilts in the petitioners' favour?
- 4) Can the petition be allowed?

5) Order as to costs ?

7) **Points 1 to 5 :-** The counsel for the petitioner argued that the decision of dismissing the plaintiffs was arbitrary and that no notice was served on them. He submitted to violation of the principles of Audi Alterum Partem. He also stated that despite this petition that an election was held for constituting a fresh committee is infructuous as it was pending consideration in the form of an IA before the Hon'ble Court. The counsel for the respondents stated that there was no separate by law for the Taluk Committee and that the District Committee had the authority to dissolve the Taluk Committee. He stated that the right of the President to nominate 5 members to the District Committee was a right given in the bylaw and that notice was passed by Whatsapp messages by the plaintiffs questioning the authority of the President, which had initiated disciplinary proceedings against them. He stated that the plaintiffs had instituted the suit after giving notice to them for appear before the Disciplinary Committee. The counsel for the petitioners had himself produced the bylaw.

8) On perusal of Ext.A2 dated 28-04-2025 and A3 dated 28-04-2025 it is evident that an order has been passed to dissolve the committee and an explanation was sought from them. Now

this petition is for a temporary injunction. While the counsel for respondents raised questions on maintainability, this is a question that ought to be considered at the time of trial as a preliminary issue. In an injunction petition, four jurisdictional factors are to be considered. The primary factor is whether the petitioner has a prima facie case for an interim relief. The case of the petitioners is that the defendants had without any authority, dissolved the Taluk Committee without even providing sufficient notice or chance to show cause to the plaintiffs who were the committee members. On perusal of Exts.A1, A2 and A3, it is evident that the committee was dissolved and the plaintiffs were evicted from their positions for a period of 6 years. Thus this is treated as an answer to the point that there is a prima facie case. It is stated in Ext.A2 that due to violations of the bylaws, the Taluk Committee ought to be dissolved and that the plaintiffs ought to be removed from their responsibilities as a committee member for a period of 6 years. Thus, this is a proof that there is a prima facie case between the parties.

9) Regarding the second pillar of balance of convenience, on perusal of Ext.A4, it is seen that the disciplinary proceedings are initiated against the plaintiffs and Ext.A3 is the explanation

given by the 4th plaintiff with regard to the disciplinary proceedings against him. It is to be understood that this association is All Kerala Private Bankers Association's Taluk Committee. Due to the pendency of disciplinary proceedings against the plaintiffs, it is not possible that the functioning of the committee should be kept at stand still. On perusal of the bylaws, it is seen in the 10th bylaw regarding structure of the organisation that the State Committee shall have the power of dissolving the Taluk committee to form a new committee within 45 days by convening a General Body of the Taluk if it is convinced that such a committee is working against the general interest of the association. In the 20th clause regarding the powers of the President, it is mentioned that President can nominate 5 members to the executive committee. The President also has the right to dismiss the delinquent member after proper enquiry as per disciplinary proceedings and in clause 12, it is seen that the President can nominate 5 members to the State committee and they shall be a member of the Taluk and District Committee. The President can cancel the membership of those members who have been found guilty on the basis of the report on the disciplinary committee. Thus prima facie it appears that when a disciplinary proceeding is in pendency, it is not possible to stop the functioning of the

committee and in such a situation it is in the best interest that a fresh committee is constituted unless which the rights of the association as a whole will suffer. In case of the members against whom a disciplinary proceeding is pending being allowed to continue as members of the association without proper enquiry the same will not be in best interest of the association especially when the plaintiffs have admitted to a declaration by Whatsapp against the decisions of the President. For this reason, the second pillar of irreparable injury and balance of convenience tilts in favour of the respondents.

10) Next it is to be understood that the petitioners ought to file for a petition with clean hands. Here the petitioner states that the petitioners were evicted in violation of the bylaws and without due process of law or following principles of natural justice. It is seen from the documents submitted by the petitioners that show cause notice was issued to them and disciplinary proceedings was pending when the suit was instituted. That this suit could have been filed in retaliation to the disciplinary proceedings cannot be overlooked. The association representing the interest of many cannot function without a proper committee and it is therefore essential that a fresh committee is constituted. Whether the defendants had

acted in violation of the bylaw and whether the plaintiffs were evicted without following the due process of law are matters that are to be considered in trial. As of now as aforementioned, a petition to hinder the election to elect fresh members in case of disciplinary proceedings pending against the plaintiffs will destroy the whole purpose of election and essence of democracy. The authority of the plaintiffs to be part in the committee and legality of the committee constituted can be considered only at the stage of trial.

11) Moreover, since 1952 the apex court has held that once the election proceedings started the courts should not interfere with the election process by way of granting injunction. It was stated that the matters that could affect the validity of the election should be raised in appropriate stage and not during the election process. When there is an encroachment of a right which affect the essence of democracy, the same shall not be permitted. It is also pertinent to note that the counsel for the plaintiffs has not disputed the contention that a Whatsapp message was sent. He does not dispute with regard to Exts.A1 to A4. His contention is with regard to due process of law not being followed and the plaintiffs not being given an opportunity to be heard. As aforementioned, these are matters which are to

be considered in trial. As of now, when the disciplinary proceedings are pending, that this petition is filed, the 4th factor to be considered is the conduct of the parties. He who seeks equity must come with clean hands. The filing of this petition can be only seen as an attempt to obstruct the disciplinary proceedings against the plaintiffs. The aid of law cannot be sought to violate the principles of equity and fundamentals of democracy.

12) The election procedure has already been conducted, and new representatives are being elected which is necessary for the functioning of the association. However, the legality for the same and the procedure adopted are matters that can be challenged during trial. Thus, the new committee constituted is subject to the final judgment and decree passed in the suit. Moreover, as per Ext.B1, the disciplinary proceedings were pending against the parties on 06-06-2025. This notice was served upon them on 17-05-2025 that they have to appear for the disciplinary proceedings. However, the suit is seen instituted on 19-05-2025. Hence the 4th factor also tilts in favor of the respondents.

In the result, the temporary injunction is dismissed. Considering facts and circumstances of the case, no costs ordered. This order is not causing any prejudice to the plaintiffs who can prove their case by evidence adduced in trial. They can prove the genuinity of their claim at the time of evidence.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced by me in open court on this the 14th day of July, 2025.)

Sd/-

**Sarica A.R
MUNSIFF**

APPENDIX:- NIL

Id/-
MUNSIFF

//True Copy//

Sd/-
**Sarica A.R
Munsiff**

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