

Misc Appeal No.226 of 2025
(CNR No.-WBHW01-006423-2025)

Present : Smt. Asmita Samajder
(J.O. Code:WB00956)
Additional District Judge,
4th Court, Howrah.

Order No. 09 dated 29-01-2026

Today is fixed for passing order in respect of the stay petition dated 10-12-2025 filed by the appellants. All the contesting parties have filed their respective haziras.

I had heard all the contesting sides on the previous occasion in respect of the stay petition, at length. As such, the record is now taken up for passing necessary order.

By filing the instant stay petition, the appellants mentioned that they had preferred this misc. appeal, being aggrieved and dissatisfied by the impugned order dated 14-11-2025 passed by the Ld. Civil Judge (Junior Division), 3rd Court at Howrah in connection with Title Suit No. 1570 of 2025. They mentioned that the respondents had filed the said suit for declaration and permanent injunction against the appellants herein and in the said suit, the respondents had preferred an application for temporary injunction under Order 39 Rules 1 and 2 read with Section 151 of the CPC. In such suit, the respondents prayed for an ad-interim injunction order in their favour, and the Ld. Trial Court was thereafter pleased to allow the ad-interim injunction prayer of the respondents, by virtue of the impugned order dated 14-11-2025. Vide such an order, the Ld. Trial Court observed the following –

“that the defendants with their men and agents are hereby restrained from creating any disturbance in smooth functioning day of day affairs of the society by using the name of Howrah Sporting Club in any correspondence or to issue, circulate any notice or communication using the official letter head of Howrah Sporting Club or by using his former designation on any document or to use the logo, emblem, mark, symbol or badge or Howrah Sporting Club in anywhere whatsoever in any manner till 12-12-2025.”

It was the further case of the appellants that due to the said ad-interim order of injunction, their rights as the Secretary and the Member of the Howrah Sporting Club respectively, are seriously infringed and hence, they have prayed for an order of stay in this matter, for staying the further effectiveness of the impugned ad-interim order of injunction dated 14-11-2025, passed in T.S. 1570 of 2025.

The principal respondent nos.1 to 5 had filed their written objection against the instant petition, wherein they agitated that the appellants have sought to use the judicial process as a shield to continue their unauthorized interference in the Howrah Sporting Club (i.e., the proforma respondent). These respondents mentioned that to prevent decimation of the Howrah Sporting Club's administrative integrity, the instant stay petition should be rejected with costs. These respondents further agitated that if stay is granted, then the Club would suffer irreparable damage to its reputation and financial integrity; and the appellants will be permitted to create third-party liabilities under their names. They further adverted that by filing the instant petition for stay of operation, the appellants are attempting to exercise the authority they no longer possess, which creates legal chaos for a public or social entity like the Howrah Sporting Club. These respondents then prayed for rejection of the instant stay petition with exemplary costs.

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The proforma respondent, i.e., Howrah Sporting Club, filed its affidavit-in-opposition against the instant stay petition. By filing the same, the proforma respondent submitted that the appellants have failed to demonstrate any prima facie case, convenience or inconvenience and irreparable loss in the averments made in such petition. According to the proforma respondent Club, only vague averments can be seen in the concerned stay petition, wherein it has been stated that if the impugned order subsists, then the appellants' rights as Secretary and Member of Howrah Sporting Club will be seriously infringed. Proforma respondent further submitted that the appellants are not at all infringed by the impugned order of ad-interim injunction, since appellant no.1 has already resigned as the General Secretary of the proforma respondent Club. The proforma respondent further mentioned that no irreparable loss and injury has accrued in favour of the appellants at this stage. The said proforma respondent thereafter prayed for rejection of the instant application with costs.

Ld. Advocates appearing for the appellants, the principal respondent nos. 1 to 5 and the proforma respondent/Club advanced strenuous arguments in the matter, each endeavouring to dislodge the case of the other. Ld. Advocate for the appellants, while supporting the stay application, contended that the present matter is very urgent and that continuance of the ad-interim injunction dated 14-11-2025, passed in Title Suit No. 1570 of 2025, would cause serious and irreparable prejudice to his clients. It was submitted that the appellants, being the Secretary and the Member of the Howrah Sporting Club respectively, are effectively disabled from discharging the day-to-day affairs of the Club by reason of the said order. It was further urged by the Ld. Advocate that the cricket teams of the Club are unable to participate in the Second Division League, and that the Cricket Association of Bengal has called upon the Club to produce the minutes of its Annual General Meeting, which cannot be convened in view of the subsisting order of ad-interim injunction. On these premises, Ld. Advocate for the appellants prayed for grant of stay of operation of the impugned order. In support of his submissions, reliance was placed upon the following decisions of the Hon'ble Court.

- **2002 Supreme (Cal) 429**
- **2003 Supreme (Mad) 1371**

In support of his contentions and the stay application, Ld. Advocate for the appellants filed photocopies of the plaint of TS 1570 of 2025, Rules and Regulations of Howrah Sporting Club, letter dated 12-03-2023, some receipts of Howrah Sporting Club, letter dated 27-07-2025, death certificate of Biplab Kr. Talukdar, Aadhaar cards of the appellants, final list of names of representatives nominated by affiliated members of CAB, certificate of registration of Howrah Sporting Club, order of hearing taken on 25-09-2024 passed by the Electoral Officer of Cricket Association of Bengal, letter dated 11-11-2024 addressed to the Treasurer of the Howrah Sporting Club and the list of available players of Howrah Sporting Club for registration for the season of 2025-26.

Ld. Advocates for the principal respondents and the proforma respondent, on the other hand, stated that if the stay application filed by the appellants is allowed, then it will open Pandora's box and shall create total illegal and financial chaos in the day-to-day functioning and administrative control of the Howrah Sporting Club.

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Ld. Counsels also mentioned that no favourable case has been made out by the appellants for granting the order of stay at this juncture. Moreover, they contended that cricket teams from the proforma defendant Club are already playing in the Second Division League; and hence, there is no scope of granting any stay at this stage. Ld. Advocate for the proforma respondent/Club then referred to the documents filed in support of the affidavit of opposition, being the photocopies of Cricket Association of Bengal Rules, list of players whose registration cards have been printed and delivered for the season 2025-2026, letter dated 21-10-2025, Rules & Regulations of Howrah Sporting Club and the plaint of the T.S. No.1570 of 2025.

Ld. Advocates for the contesting respondents thereafter prayed for rejection of the instant application.

While placing his submissions, Ld. Advocate for the respondent nos.1 to 5 relied upon the following decisions, to support his contentions:-

- **2005(2) CLJ (Cal)**
- **1949 AIR(PC) 313**
- **1963 AIR(SC) 1144**
- **1992 (2) CalLT 450**
- **2010 (2) ICC 662**
- **2005 4 CHN 499**

Ld. Advocate for the proforma respondent/Club, on the other hand, relied upon the following decisions :-

- **1956 AIR (SC) 593**
- **2009 14 SCC 48**
- **2008 12 SCC 481**

I have meticulously and with due circumspection examined the instant application, the written objection and the affidavit-in-opposition filed thereto, together with all documents and the rulings placed before this court by the contesting parties. I have also bestowed anxious and conscious consideration upon all the materials on record in the context of the present stay petition. Upon such scrutiny, it is manifestly discernible that although, by way of the stay petition, the appellants have sought suspension of the operation of the impugned order of ad-interim injunction passed by the Ld. Trial Court, they have conspicuously failed, within the four corners of the said petition, to disclose any cogent, convincing or legally sustainable reason warranting grant of such relief.

This deficiency has been rightly highlighted by the proforma respondent/Club in its affidavit-in-opposition. A plain reading of the stay petition reveals that the appellants have merely asserted, in a bald and omnibus manner, that continuance of the impugned order would seriously infringe their rights as Secretary and Member of the said Club. However, as correctly pointed out by the Ld. Advocate for the proforma respondent, the appellants have woefully failed to demonstrate, even prima facie, the manner in which such alleged rights stand infringed or are likely to suffer prejudice.

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Furthermore, from a bare and objective perusal of the order dated 25-09-2024 passed by the Electoral Officer of the Cricket Association of Bengal, which the appellants themselves have filed, it transpires that a categorical observation has been made therein to the effect that the appellant no. 1 herein, was not aligned with the said proforma respondent Club, and that he was fully aware of the fact that the majority of the members were not supporting him. This material circumstance, appearing from an unimpeached record, prima facie dents the appellants' plea of prejudice and militates against their prayer for stay.

For the reasons stated above, the present stay petition merits rejection.

Hence, it is,

ORDERED

That the stay petition dated 10-12-2025 filed by the appellants is hereby rejected on contest, without any order as to costs.

Fixing **13-04-2026** for hearing of appeal.

Parties to come prepared accordingly.

Dictated & corrected by me;

Sd/-
ADJ

Sd/-
Additional District Judge,
4th Court, Howrah