

O-23

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

CS/30/2020

KESHAV BHAJANKA AND ANR
VS
THE SATURDAY CLUB LIMITED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 03RD April, 2023.

Appearance:
Mr. Emon Bhattacharya, Adv.
Ms. Pooja Saha, Adv.
...for the petitioner
Mr. Surojit Nath Mitra, Sr. Adv.
Mr. Jayanta Sengupta, Adv.
Mr. Ayan Datta, Adv.
Mr. Malay Kumar Seal, Adv.
...for the defendant

The Court: Counsel for the respective parties are present.

As per the order passed by this Court dated 24th March, 2023 both parties have filed their suggested issues. Let the same be kept with the record.

After hearing the learned Counsel for the respective parties and after going through the pleadings the following issues are:-

:- I S S U E S :-

1. Whether the Defendant has complied with the provisions of law, Articles of Association and bye-laws of the Club in holding the meeting of the Membership Committee dated 28th January, 2020

and in suspending the Plaintiffs' membership for a period of three months from 1st February, 2020 to 30th April, 2020?

2. Whether the Defendant has complied with the principles of natural justice in holding the meeting of the Membership Committee dated 28th January, 2020 and in suspending the Plaintiffs' membership for a period of three months from 1st February, 2020 to 30th April, 2020?
3. Whether the Defendant has given fair, equal and unbiased treatment to the Plaintiffs?
4. Whether the decision to suspend the Plaintiffs' membership for a period of three months from 1st February, 2020 to 30th April, 2020 is legal and valid?
5. Whether the reputation, character or goodwill of the Plaintiffs or any of them has been affected by any of the actions of the Defendant?
6. Whether the Plaintiffs are entitled to damages, and if so, then of what amount?
7. What other relief and/or reliefs to the Plaintiffs are entitled to?
8. Whether the Plaintiffs have indulged in a violent altercation with Mr. Vikram Harish Metharamani between 1 a.m. and 2 a.m. on 25th December, 2019 within the premises of the Defendant?
9. Whether the Plaintiffs have participated in the investigation and the disciplinary proceeding undertaken by the Defendant?
10. Whether the suspension of the Plaintiffs from using the Defendant's facilities or visiting the same, is defamatory in nature?

11. Whether the conduct of the Defendant regarding the suspension of the Plaintiffs constitutes defamation?
12. Whether the Plaintiffs have suffered any loss or damages due to the mode or manner of conducting the proceeding of suspension of the Plaintiffs by the Defendant?
13. Whether Plaintiffs are entitled to any relief as prayed for in the instant suit?

Let the matter be fixed on 19th April, 2023 for filing Judge's Brief of Documents.

(KRISHNA RAO, J.)

Sbghosh