

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

I.A. NOS.3-4/2005 in CIVIL APPEAL NOS.5656-5657 OF 2005

P.T. UMMAR KOYA

Appellant (s)

VERSUS

T.N. STATE CHESS ASSOCIATION & ORS.

Respondent(s)

(For Directions)

Date: 23/09/2005 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE C.K. THAKKER

For Appellant(s)

Mr. R.F. Nariman, Sr. Adv.

Ms. Nalini Chidambaram, Adv.

Ms. Indu Malhotra, Adv.

Mr. N. Umapathy, Adv.

Ms. Liz Mathew, Adv.

Mr. Zubin Pratap, Adv.

Mr. Arun Jaitley, Sr. Adv.

Mr. Vikas Mehta, Adv.

For Respondent(s)

Mr. K. Rajendra Chowdhary, Sr. Adv.

Mr. Rakesh K. Sharma, Adv.

Mr. K. Rajendra Chowdhary, Sr. Adv.

Mr. Chander Shekhar Ashri, Adv.

Mr. G.L. Sanghi, Sr. Adv.

Mr. Vikas Singh,Adv.

Mr. Hari Shankar K.,Adv.

Mr. L.N. Rao,Sr.Adv.

Ms. Kavita Wadia,Adv.

UPON hearing counsel the Court made the following

O R D E R

The interlocutory applications are disposed of.

[T.I. Rajput]

[V.P. Tyagi]

Court Master

Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A. NOS.3-4 OF 2005

IN

CIVIL APPEAL NOS.5656-5657 OF 2005

P.T. Ummar Koya

...Appellant(s)

Versus

T.N. State Chess Association & Ors.

...Respondent(s)

O R D E R

Heard the learned counsel for the parties.

Civil Appeal Nos.5656-5657 of 2005 were decided by this Court in terms of

the order dated 9th September, 2005. The matter relates to the election of All-India

Chess Federation slated to be held on 25th September, 2005 at Chennai. The said

order was passed substantially on the consent of the parties, as recorded therein. Now,

these applications have been filed raising various objections in regard to the manner of

conducting the election and praying that the entire election process be initiated afresh

under the supervision of a retired Judge of this Court and other observers. The

grievance of the applicant urged in the applications include the illegal dis-affiliation of

seven Chess Associations; illegal rejection of nomination papers with the result that

important posts being remaining unchallenged in the absence of any opposition; and

illegal

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inclusion and deletion from list of members. Of course, these and other allegations

made in the applications are seriously disputed by the non-applicants. We express no

opinion one way or the other.

Civil Suit No.52 of 2005 is pending in the High Court at Madras. The order

passed in that suit and modified by the Division Bench of the High Court was the

subject-matter of the appeals disposed of on 9th September, 2005. The order also

directs that the decisions taken in the meeting by Mr. Justice A.K. Rajan would be

subject to further orders that may be passed in the suit.

Having regard to the facts and circumstances of the case, we are of the view that the appropriate course to seek redressal of the applicant's grievance would be to move an appropriate application in the suit and challenge the elections that are likely to be held on 25th September, 2005, and raise all the questions in the objections before the High Court. The results declared would be subject to further orders that may be

passed by the High Court in the suit aforesaid. We are neither inclined to stay the

declaration of the result of the elections likely to be held on 25th September, 2005, nor to restrain the elected persons from taking over the affairs of the Federation. However, we direct the expeditious disposal of the objections that may be filed by the aggrieved parties before the High Court in the suit. The validity of the election shall be decided in the suit expeditiously but, in any case, not later than 25th December, 2005. In case the dispute as to the election is raised before the High Court and it is not decided by 25th December, 2005, the newly elected body will have no right to

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continue after the said date till the matter is adjudicated by the High Court. If any of the parties does not cooperate and tries to protract the proceedings before the High Court, it will be open to the High Court to pass such orders as it deems fit against that party.

The interlocutory applications are, accordingly, disposed of.

.....J.

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[Y.K. SABHARWAL]

.....J.

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[C.K. THAKKER]

New Delhi,

September 23, 2005.