

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION (ST) NO.14797 OF 2026
IN
APPEAL FROM ORDER (ST) NO.14796 OF 2026**

Mumbai Press Club
through its Secretary and Others

...Applicants

V/s

Mr. Gurbir Singh & Others

... Respondents.

Mr. Girish Godbole, Senior Advocate with Mr. Abhishek Salian and Miss Kinnari Raut, Advocates for the Applicants.

Mr. Shiraz Rustomji, Senior Advocate with Mr. Aditya Bapat, Mr. Eshan Patel, Mr. Shailesh Prajapati i/b Dua Associates, Advocates for Respondent no.1.

CORAM : GAUTAM A. ANKHAD, J.

DATE : 22nd MAY 2026

[VACATION COURT]

P.C. :

1. The present Appeal from Order impugns the order dated 7th May 2026, by which the learned Judge at the Bombay City Civil Court has granted ad-interim reliefs to original Plaintiff/Respondent no.1 herein.
2. Mr. Girish Godbole, learned senior counsel appearing on behalf of the Appellants submits that the impugned order is unsustainable and perverse as it does not provide any reasons or basis for granting the ad-interim reliefs. The findings are cryptic and the trial Court has erred in

holding that Appellant no.1 has not followed the principles of natural justice while expelling Respondent no.1 from the Club. He submits that Appellant no.1 has followed due process in the disciplinary proceedings by issuing a show cause notice dated 22nd February 2026 to which replies were filed by Respondent no.1 on 25th February 2026 and 10th March 2026. Thereafter, a three-member Inquiry Committee considered the replies and granted a personal hearing Respondent No.1. On 25th April 2026, the Inquiry Committee submitted its Report to the Managing Committee with its findings that Respondent no.1 and two other members had violated certain bail conditions, exposing the Club to potential legal and reputational risks. Accordingly, action was recommended against them under the bye-laws of the Club. On 27th April 2026, the Managing Committee accepted the Report and resolved to expel Respondent No.1 and two other members from the Club for a period of six years with effect from 27th April 2026. On 5th May 2026, the present suit was filed and heard for urgent reliefs on 6th May 2026.

3. According to Mr. Godbole, the impugned order virtually grants the final relief sought in the suit and nullifies the findings recorded by the Inquiry Committee at the ad-interim stage. The Managing Committee was fully competent to take the impugned decision under the bye-laws of

the Club and in the absence of any demonstrable illegality or breach of natural justice, there was no justification or urgency warranting the passing of the impugned order, particularly when the nomination forms for the ensuing elections were to be filed only in July 2026. The Appellants ought to have been given a reasonable opportunity to file their affidavit in reply before any ad-interim orders were passed. He contends that a civil court has limited jurisdiction in matters concerning the internal affairs and disciplinary actions of a Club and a civil court cannot sit in appeal over the decision of the disciplinary authority or reassess the sufficiency of the material considered by it. Judicial interference is warranted only in case of mala fides or violation of the principles of natural justice, neither of which is demonstrated in this case. In support of his submissions, Mr. Godbole relies upon the judgment of the Hon'ble Supreme Court in *T.P. Daver vs. Lodge Victoria No.363 S.C. Belgaum and Others*¹ and order dated 5th September 2006 passed by the Division Bench of this Court in Appeal (Lodging) No.643 of 2006 in *Royal Western India Turf Club Ltd. & Others vs. Vinayak J.Gaekwad and Others*². In these circumstances, Mr. Godbole submits that the impugned order deserves to be stayed and in any case at least

1 1992 SCC OnLine SC 47

2 Appeal (Lodging) No.643 of 2006

until a reply affidavit is filed by the Appellants, whereafter the application for interim reliefs can be heard and decided on its own merits.

4. On the other hand, Mr. Shiraz Rustomji, the learned senior counsel for Respondent no.1 opposes the Appeal and submits that Respondent no.1 is a respected journalist who has held several leadership positions within Appellant no.1 and the Press Council of India. The entire disciplinary action is *mala fide* and motivated by events that transpired in the Club between October 2025 and December 2025. He submits that a meeting held at the Club premises on 19th January 2026 and a requisition notice to hold a Special General Meeting for raising issues against the President of the Club has triggered the disciplinary proceedings against Respondent no.1.

5. Mr. Rustomji further submits that the trial Court has rightly concluded that the principles of natural justice were not adhered to by the Club. He invites my attention to the documents at pages 271 to 275 of the appeal paper-book and submits that although a personal hearing was held on 17th April 2026, the proceedings on that date were adjourned to a subsequent date and were never concluded. Despite this, the Inquiry Committee by its report at pages 307 to 310 of the appeal paper-book

recorded incorrect findings, which Report was accepted by the Managing Committee. Several documents that were sought for, as mentioned at page 310 of the appeal paper-book were not provided to Respondent no.1. This demonstrates a breach of fair procedure and violation of natural justice.

6. As regards the contention of absence of opportunity in filing a reply affidavit by the Appellants, Mr. Rustomji submits that both sides had filed their written submissions before the trial Court and no prejudice can be claimed by the Appellants on this count. After considering the record, the trial Court has found it appropriate to grant ad-interim protection. In support of his contentions, Mr. Rustomji relies upon the judgment of the Hon'ble Supreme Court in *Ramakant Ambalal Choksi vs. Harish Ambalal Choksi*³ and submits that the present interim application ought to be dismissed.

7. I have heard the learned senior counsels and have perused the record. For convenience, the order dated 7th May 2026 is extracted:

“Adv. P.D. Gandhi a/w. Arvind Giriraj for Plaintiff is present.

Adv. Archit Rao for Defendant nos.1 to 12 and 15 is present and filed brief submission. TOR

This is a suit for declaration and permanent injunction. The Plaintiff

³ (2024) 11 SCC 351

is a senior journalist and member of the Mumbai Press Club for 40 years. The Plaintiff has served as the President of the Defendant no.15 Club from July 2018 to February 2021 and from February 2021 to July 2024. In short, the Defendants have issued show cause notice to the Plaintiff on 22nd February 2026. The Defendant no.3 constituted inquiry committee of Defendant nos.2 to 4 and gave its report on 25th April 2026. The managing committee adopted the inquiry report and expelled the Plaintiff from membership of Defendant no.15 Club for period of six years. These actions have been taken against the Plaintiff as the Plaintiff is going to contest the election of the Club. The Plaintiff states that the Defendants have not followed the principles of natural justice while expelling him from the membership of the Club. The allegations against the Plaintiff were that he had facilitated gathering of the accused persons in 2018 Bhima Koregaon case.

The Defendants have strongly contested the case. They state that they have followed all the principles of natural justice, while taking action against the Plaintiff. They state that the action is taken against the Plaintiff on the basis of the complaint received against him. They state that the Plaintiff has made the accused in Bhima Koregaon case to violate the bail conditions imposed by the Hon'ble Supreme Court and the High Court. They state that the police and the NIA has issued notices to them about the incident of 19th January 2026. They state that the Plaintiff has not made out any case to pass ad-interim orders in his favours. They have prayed to reject the prayers for ad-interim reliefs.

After going through the entire proceedings taken by the Defendants, I am of the view that the Defendants have not followed the principles of the natural justice. The Defendants have not given opportunity of cross-examination to the Plaintiff and several other things. It appears that the Plaintiff is expelled from his membership only with an intent

to prevent him from contesting the elections of the Club. If the action taken by the Defendants is not restrained, the Plaintiff will suffer irreparable loss, he will not get an opportunity to contest the elections. This is a fit case to pass ad-interim order against the Defendants till they file their reply to the Notice of Motion. Accordingly, I pass the following order:

ORDER

1. *The prayer for ad-interim relief is hereby allowed.*
2. *The operation, effect, implementation and findings of the show cause notice dated 22nd February 2026 issued to the Plaintiff, the inquiry report of Defendant nos.2 to 4 dated 25th April 2026 and resolution of the managing committee dated 27th April 2026 is hereby stayed till all the Defendant nos.1 to 15 appear and file their reply to the Notice of Motion.*
3. *Considering the rights of the Plaintiff, he is allowed to contest the elections of Defendant no.15.*
4. *The Plaintiff to comply the provisions of Order 39 Rule 3 of the CPC.*
5. *Issue show cause notice to the Defendants as to why the interim order should not be continued till the disposal of the Suit. Matter be sent back to the Board Department.”*

8. In my *prima facie* view, the impugned order does not disclose any reasons which justifies the grant of such sweeping ad-interim reliefs. The trial Court has held that: (i) the principles of natural justice were violated; (ii) Respondent no.1 was denied an opportunity of cross-examination; (iii) the expulsion was intended to prevent Respondent no.1 from contesting the Club elections; and (iv) if interim protection is not

granted, Respondent no.1 will not get an opportunity to contest the elections. In my view, the impugned order neither analyses the material placed on record nor assigns any reasons or the basis for arriving at the above conclusion.

9. A perusal of the record indicates that a show cause notice was issued, replies were filed and a personal hearing was also conducted before the three-member Inquiry Committee. The Report of the Inquiry Committee records that due to certain events no further personal hearing was necessary. The trial Court could not have simply held that principles of natural justice were violated without discussing the events recorded therein. The Report is then accepted by two-thirds majority of the Managing Committee. The trial Court could not have stayed the entire disciplinary process without recording reasons demonstrating patent illegality or complete denial of fair hearing.

10. In my prima facie view, the impugned order also travels far beyond the limited scope of ad-interim protection. By staying the operation, effect, implementation and findings of the show cause notice, Inquiry Report and Resolution of the Managing Committee, and further directing that Respondent no.1 is permitted to contest the elections of the Club, the trial Court has virtually granted the substantive final reliefs

sought in the suit. This also amounts to granting a mandatory injunction at the ad-interim stage which can be done only in exceptional cases. The impugned order does not indicate any such exceptional circumstance warranting exercise of such powers.

11. There is some merit in the contention advanced on behalf of the Appellants that the trial Court failed to adequately consider the aspect of urgency. The suit was instituted and served on 5th May 2026, arguments were heard on 6th May 2026, and the impugned order came to be passed on 7th May 2026. At the same time, it was admittedly within the knowledge of the trial Court that the nomination process for the Club elections was scheduled only in July 2026. In such circumstances, it would have been prudent to direct the Appellants to file an affidavit in reply and consider the prayer for interim relief upon a more complete record.

12. In *T. P. Davers*, the Hon'ble Supreme Court has held that the jurisdiction of a civil court in matters concerning disciplinary action by clubs and associations is limited. Unless a case of mala fides or violation of principles of natural justice is clearly demonstrated, a civil court would ordinarily refrain from substituting its own view for that of the disciplinary body. Insofar as the reliance placed by Respondent No.1 on

the decision in *Ramakant Ambalal Choksi* is concerned, there can be no dispute with the legal principles enunciated therein. However, the said decision is not applicable in this case as the impugned order itself does not disclose any analysis of the material or reasons in support of its conclusions.

13. For the aforesaid reasons, I find that the Appellants have made out a strong prima facie case that the impugned order is perverse and the discretion exercised by the trial Court is untenable. Hence, ad-interim relief is granted in terms of prayer clause (a) of the Interim Application, which reads as under:

“a. Pending the hearing and final disposal of the Appeal from Order, stay the effect, operation, implementation and execution of the impugned ad-interim order dated 7th May 2026 passed by the learned Judge, Bombay City Civil Court, Mumbai, below Notice of Motion No.6419 of 2026 in S.C. Suit (St.) No.6419 of 2026.”

14. List the Interim Application for final hearing on 15th June 2026.

15. At this stage, Mr. Rustomji seeks a stay of this order. This application is opposed by Mr. Salian, learned counsel appearing for the Appellants. Since I have stayed the operation of an ad-interim order on the ground that the order is cryptic and provides no reasons in support of its findings, application for stay is rejected.