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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

INTERIM APPLICATION NO.4946 OF 2026
IN
APPEAL FROM ORDER NO.685 OF 2026

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Gurbir Singh	...Applicant
V/s.	
Samar Mohammed Khadas & Ors.	..Respondents

Mr.Navroz Seervai, Senior Counsel with Mr.Aditya Bapat, Ms.Arati Raghavan, Mr.Eshan Patel, Ms.Jyoti Ghag and Mr.Shailesh Prajapati i/b DUA Associates for the Applicant / Appellant.

Mr.Mayur Khandeparkar with Mr.Abhishek Salian, Mr.Mayuresh Ingale, Ms.Kinnari Raut, Ms.Ayesha Dhorajiwala i/b Nayaaya Legal for Respondent No.15 in IA and for Respondent No.1 in AO.

Dr.Birendra Saraf, Senior Counsel i/b Mr.Rohit Joshi for Respondent No.2.

Mr.Satyavrat Joshi with Mr.Yash Fadture i/b Mr. Ishan Paradkar for Respondent No.3.

Mr.Rubin Vakil with Mr.Manish Desai, Mr.Subit Chakrabarti, Ms.Khushnumar Banerja and Ms.Aashka Vora i/b Vidhii Partners for Respondent Nos.4 and 5.

Mr.Akshay Kolse Patil for Respondent No.14 and 15.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 8TH JULY, 2026.

P.C. :-

1. Heard advocate Mr.Aditya Bapat i/b DUA Associates for

appellant / applicant, Mr.Mayur Khandeparkar i/b Nayaaya Legal for respondent no.15, Dr.Birendra Saraf i/b Mr.Rohit Joshi for respondent no.2, Mr.Satyavrat Joshi i/b Mr.Ishan Paradkar for respondent no.3, Mr.Rubin Vakil i/b Vidhii Partners for Respondent Nos.4 and 5 and Mr.Akshay Kolse Patil for respondent nos.14 and 25.

2. This is an interim application seeking say to the operation, effect and implementation of the show cause notice dated 22nd February 2026, enquiry report dated 25th April 2026 and resolution of the Managing Committee meeting dated 27th April 2026 and for further seeking interim directions to permit the appellant to contest the elections of respondent no.15 - Club.

3. The applicant has filed Appeal from Order, challenging the order dated 1st July, 2026 passed by the Bombay City Civil Court, Mumbai, dismissing the Notice of Motion No.3045 of 2026 in Special Civil Suit No.1289 of 2026. The applicant / appellant is a member of Mumbai Press Club, which is arrayed as respondent no.15 in the interim application. The applicant has instituted civil suit and has challenged the show cause notice dated 22nd February, 2026 issued by the Mumbai Press Club, which has culminated in an enquiry report dated 25th April, 2026 and the resolutions of the Managing Committee by which the applicant is expelled as a member of the Mumbai Press

Club for a period of six years. In the civil suit, the applicant / plaintiff had filed a Notice of Motion No.3045 of 2026, by which he has prayed for stay to the effect, operation and implementation of the said show cause notice, enquiry report and the resolutions of the Managing Committee. The defendants in the suit had appeared and contested the notice of motion which came to be dismissed with costs by an order dated 1st July, 2026, which is subjected to challenge by way of appeal against order. In the appeal against order, the appellant has filed the instant interim application seeking interim reliefs mentioned above.

4. The controversy arises in the backdrop of the decision of respondent no.15 – Mumbai Press Club to expel the applicant as a member of the Club for a period of six years. The controversy triggered after a meeting was held on 19th January, 2026, at the instance of the applicant along with two other members by name Bernard D'Mello and Shrikant Modak, in which four persons, who were accused in Bhima-Koregaon case were invited. This meeting has purported to have facilitated the four accused persons to meet with each other, which amounts to breach of condition of their bail. After this meeting was held, a show cause notice dated 22nd February, 2026 was issued to this applicant calling upon his explanation as to why

disciplinary action should not be initiated against this applicant. In response to the show cause notice, applicant had submitted his reply on 25th February, 2026 and demanded certain documents. Apart from this, applicant also submitted an elaborate reply dated 10th March, 2026. The explanations / reply submitted by applicant was considered by the Managing Committee in its meeting held on 30th March, 2026 and the Committee had found the reply unsatisfactory and decided to constitute three members Committee for detailed examination. The applicant and the other two persons viz. Bernard D'Mello and Shrikant Modak had participated in the enquiry conducted by the three members Committee and the Committee submitted its report dated 25th April, 2026 *inter-alia* recording that the applicant and the two other persons were responsible for facilitating a gathering within the Club premises which may have resulted in violation of of the bail conditions of the accused persons in Bhima-Koregaon case and this could cause dis-reputation of the Club. The report of the Enquiry Committee was considered by the Managing Committee and by resolution on 27th April, 2026, the Managing Committee resolved to expel the applicant and two others from the membership of the Club for six years with effect from 27th April, 2026. The applicant then filed civil suit bearing Special Civil Suit No.1289 of 2026, challenging the

show cause notice, enquiry report and the resolution of the Managing Committee, which is pending before the Bombay City Civil Court.

5. In the aforesaid background, while considering the instant interim application, it has to be noted that the civil suit is pending before the Trial Court and the appeal against the order challenging the order on stay application is also pending before this Court and in such situation, the contentions for grant of interim stay are mainly required to be considered.

As such, while considering the interim application at this stage, the scope of interference with discretionary order passed by the Trial Court in the light of the legal position in that regard has to be kept in mind. Hence before the rival contentions of the parties are dealt with, the scope of interference with reference to the legal position as laid down by the Division Bench of this Court in the matter of **World Crest Advisors LLP vs. Catalyst Trusteeship Limited & Ors.** reported in **2022 SCC OnLine Bom.1409** needs to be considered. While highlighting the legal position, the Division Bench has referred to the judgment of the Hon'ble Supreme Court in the matter of **Wander Ltd. And Anr. vs Antox India P. Ltd. (1990) Supp SCC 727** and after referring to various paragraphs of the said judgment, has recorded its observations in paragraph 6 of the judgment which are

reproduced below :

“6. We have noted this at the forefront for two reasons. First, we believe the principle enunciated in these two cases constrains to a considerable extent, although perhaps not entirely, the extent of our ability to interfere with an impugned order such as this one. **Should we find that the impugned order is a plausible view, one that is not arbitrary, capricious or, in the legal understanding of the term, 'perverse', then in appeal we should not - indeed cannot - interfere. In those circumstances, we cannot substitute an alternative view or order for that of the learned Single Judge.** The second aspect affects the Plaintiff in appeal before us, represented by Mr. Seervai. Before the learned Single Judge, he would undoubtedly have had to show that all three well-established ingredients or components for ad-interim relief were met a strong prima facie case, that the balance of convenience favours the Plaintiff, and demonstrating irretrievable prejudice if relief was denied. Once that discretion was exercised at the ad-interim stage by the learned single Judge, in appeal, the burden on Mr. Seervai is much heavier following the *Wander v. Antox* principle. For Mr. Seervai must now show that, despite that long-understanding principle of law, we must exercise our discretion and must grant the ad-interim relief refused by the learned Single Judge. This requires Mr. Seervai to now make out an overwhelming prima facie case, It is not enough for him to merely demonstrate that a view and conclusion different from that of the learned Single Judge is possible, but to show that the relief he seeks is the only possible view, that the impugned order is not even remotely plausible, and therefore the learned single Judge fell into error. As we shall presently see, and for the reasons that follow, despite a day-long hearing, we are not persuaded at the end of all this that the Plaintiff has succeeded in discharging this obligation.”

6. It is also beneficial to refer to the legal position as laid down by the **Full Bench of this Court** while clarifying the scope of the

appeal from order on an application for injunction in the judgment of **UTO Nederland B.V. & Anr. vs. Tilaknagar Industries Ltd.** reported in **2025 SCC OnLine Bom 6140**, in which while answering the reference, the Full Bench has clarified the position in paragraph 31(ii) which is reproduced below :

“31(ii) The scope and ambit of an appeal from an order passed by the trial Judge has already been delineated by the Supreme Court in Wender Ltd. (Supra), Shyam Sel and Power Limited (supra,) and Ramakant Ambalal Choksi (supra). In view of aforesaid enunciation of law by Supreme Court, it is evident that the Appellate Court will not interfere with exercise of discretion of Court of first instance and substitute its own discretion except where the discretion has been shown to have been exercised arbitrarily or capriciously or perversely or where the Court had ignored the settled principles of law regulating grant or refusal of interlocutory injunctions. The Appellate Court while deciding an appeal, has to examine whether the discretion exercised is not arbitrary, capricious or contrary to the principles of law and the Appellate Court may, in a given case, has to adjudicate on facts even in such discretionary orders.”

7. In the backdrop of this legal position while considering the application for stay in a pending appeal challenging the order on temporary injunction, the applicant has to demonstrate a overwhelming *prima-facie* case and it is not enough for him to merely demonstrate that a view and conclusion different from that drawn by the Trial Court is possible, but he has to show that the relief which he seeks is the only possible view and the view taken by the Trial Court is not remotely plausible. As such, the focus is as to

whether the impugned order rejecting the temporary injunction is palpably erroneous, perverse or arbitrary to the extent of warranting immediate interference at this stage.

The arguments of the applicant / appellant :

8. Advocate Bapat learned counsel for applicant strenuously submitted that the impugned order passed by the Trial Court is unsustainable in law since the Trial Court has failed to consider most crucial aspects and has wrongly failed to exercise the discretion in favour of the applicant / plaintiff.

The gist of his submissions is stated below :

- i). The show cause notice, enquiry report and the resolutions of the Club to expel the applicant are contrary to the Club's Bye-laws as there is violation of Article 11(d) which provides that the Managing Committee shall hold a detailed enquiry and enquiry held by the three members Committee is contrary to Bye-laws.
- ii). The Managing Committee failed to consider in detail the applicant's reply before deciding to proceed with the enquiry and therefore, the Managing Committee acted contrary to Article 11(d).
- iii). The decision to expel the applicant is contrary to Bye-laws / rules and in absence of any finding that the actions of the applicant has brought the Club into dis-repute, the drastic decision of expelling

the applicant is prejudicial to him.

iv). There is utter violation of the principles of natural justice, since the applicant was not given a fair hearing by the Enquiry Committee and further, the documents demanded by the applicant including the minutes of the meeting were not provided to the applicant. By inviting attention to the communication dated 25th February, 2026, he submitted that the documents / material demanded by the applicant is never supplied and therefore, the findings recorded by the Committee are violative of principles of natural justice.

v). In absence of any clear findings about bringing the Club to disrepute, the decision to expel the applicant is grossly illegal.

vi). In support of his submissions, he placed reliance on the following judgments :

(1) **T.P. Daver vs. Lodge Victoria No.363 SC Belgaum & Ors.** reported in **1962 SCC OnLine SC 47** ,

(2) The judgment of the Division Bench in Appeal No.547 of 2013 dated 8th May, 2024 in the matter of **The National Sports Club of India vs. Jaisingh Choraria** and

(3) **Mumbai Cricket Association vs. Ratnakar Shetty & Ors..**
2014 (2) Mh.L.J. 726.

By pointing out the legal position as laid down by the Hon'ble Supreme Court in the matter of **T.P. Daver** (supra), he submitted that the law requires strict compliance with the procedural requirements while expelling a member from the Club. By inviting attention to paragraphs 4, 5 and 8 from this judgment, he submitted that a member can be expelled only in the manner provided by rules and in the instant case, since the Committee failed to strictly comply with Rule 11(d), the decision of expulsion is illegal and unsustainable. For similar proposition of law, he placed reliance on the judgment of the Division Bench of this Court in the matter of **The National Sports Club of India** (supra),

9. Learned counsel for respondent nos.14 and 15 supported the contentions canvassed on behalf of the applicant and adopted the arguments of the applicant.

Submissions of the respondents :

10. Mr.Khandeparkar, learned counsel for respondent no.15 - Mumbai Press Club vehemently opposed the application for stay. He submitted that the applicant has in fact admitted that he has participated in the meeting held on 19th January, 2026 in which four persons accused in Bhima-Koregaon case had attended and thus it is clear that the applicant has facilitated the meeting which resulted into

breach of conditions of bail. By inviting attention to the application for cancellation of bail as submitted by National Investigating Agency (NIA) he submitted that the conduct on the part of the applicant, as established on basis of the Enquiry Report of three members Committee, is sufficient for Club to take a decision about his expulsion.

His submissions are briefly stated below :-

- i). The order of expulsion of the applicant is in accordance with the procedure provided by Article 11(d) of the Rules as the Managing Committee of the Club has taken a decision on the basis of the 'Fact Finding 'Report' by three members Enquiry Committee.
- ii). During enquiry against the applicant, a due show cause notice and fair opportunity of hearing was granted to the applicant and after considering the reply / explanation by the applicant, the fact finding committee has recorded its findings in the enquiry report dated 25th April, 2026. The decision of the Managing Committee is based on the findings and conclusions recorded by the three members Committee and thus the decision of the Club cannot be considered to be without authority and jurisdiction.
- iii). By inviting attention to the report of three members Committee, he submitted that it has been found that the applicant was

involved and instrumental in holding the meeting on 19th January, 2026 in which the attendees including individuals who were accused in 2018 Bhima-Koregaon case, have joined the gathering. It is found that this has facilitated them to have a meeting, which has ultimately resulted into breach of conditions of their bail. The findings of the Committee referring to C.C.T.V. footage has showed that this applicant has played active role in making logistic arrangements and even the guests were registered under his membership number and so also this applicant had made payment of bill on their behalf.

iv). In view of the findings of the Enquiry Committee that the meeting was held at the instance of the applicant who facilitated a gathering of the persons accused in Bhima-Koregaon case, it is clear that this has exposed the Club to potential legal and reputational risk and therefore, the Club is brought into dis-repute. In view of this, the decision of the Club to expel the applicant and other two members is justified.

v). It is the prerogative of the Club to infer as to what would bring the Club to disrepute and the Courts cannot substitute its decision / opinion over the decision of the Managing Committee.

vi). The scope of interference by Courts while entertaining challenge to a discretionary order is limited and no interference is

warranted with the impugned order on any count.

11. In support of his submissions, he placed reliance on the following judgments :

(1). **Royal Western India Turf Club Ltd. vs. Vinayak J. Gaekwad & Ors.**, 2006(6) Mh.L.J. 665,

(2) **State of Uttar Pradesh vs. Sudhir Kumar Singh & Ors.**, (2021), 19 SCC 706,

(3) **Madhya Pradesh Industries Ltd. vs. Union of India & Ors**, 1965 SCC OnLine SC 78,

(4) **World Crest Advisors LLP vs. Catalyst Trusteeship Limited & Ors.** reported in 2022 SCC OnLine Bom.1409,

(5) **UTO Nederland B.V. & Anr. vs. Tilaknagar Industries Ltd.** reported in 2025 SCC OnLine Bom 6140.

By inviting attention to the legal position as laid down by the Division Bench of this Court in the matter of **World Crest Advisors LLP** (supra), he submitted that the applicant was required to establish overwhelming *prima-facie* case and to demonstrate that the relief which he seeks is only plausible view in the instant case and the applicant has failed to establish any overwhelming *prima-facie* case, much less showing perversity with the impugned order. By relying upon the position of law as laid down by the Hon'ble Supreme Court

in the matter of **State of Uttar Pradesh** (supra), he submitted that mere allegation of breach of audi alteram partem rule cannot by itself lead to a conclusion that the prejudice is thereby caused.

For highlighting the legal position about the scope of interference by Courts in the decisions of a private Club, he placed reliance on legal position as laid down in the matter of **Royal Western India Turf Club Ltd.** (supra) and the judgment of the Division Bench in the matter of **The National Sports Club of India vs. Jaisingh Choraria** (supra).

12. Dr.Birendra Saraf, learned Senior counsel for respondent no. 2 also vehemently opposed the application and submitted that the applicant has failed to demonstrate fulfillment of essential conditions for grant of temporary injunction, particularly balance of convenience. He submitted that the applicant has in fact attempted to justify his conduct in holding the meeting of Bhima-Koregaon accused persons and invited attention to the communication dated 16th April, 2026 sent by one of the accused persons who had participated in the said meeting. He also invited attention to the pleadings of the plaintiff in the suit at paragraph no. 11(k) in which the applicant has asserted that the defendants had violated the fundamental rights of the applicant as well as 'the accused persons'. He thus submitted that the

decision of the Club is in accordance with its Bye-laws and it is in the interest of Club, which does not need any interference. He submitted that the Trial Court has dealt with all the contentions raised by the applicant/plaintiff before the committee and as such the arguments of the applicant that the Trial Court has failed to 'consider' certain contentions is unsustainable and in support of this, he placed reliance on judgment of the Hon'ble Supreme Court in the matter of **Mohd. Akram Ansari vs. Chief Election Officer & Ors. (2008) 2 SC 95**. By relying on the judgment of the Hon'ble Supreme Court in matter of **Dalpat Kumar & Another vs. Prahlad Singh & Ors. (1992) 1 SCC 719**, he submitted that the position of law is settled that the applicant has to fulfill all requisite conditions for grant of injunction.

13. Advocate Mr. Rubin Vakil for respondent nos.4 and 5 also opposed the application and submitted that the applicant has failed to demonstrate any case for *ad-interim* mandatory injunction. By relying on the judgment of the Hon'ble Supreme Court in the matter of **Hammad Ahmed Vs. Abdul Majeed & Ors. (2019) 14 SCC 1**, he submitted that *ad-interim* mandatory injunction can be granted only if the Court is satisfied that withholding of it would prick the conscience of the Court and do violence to the sense of justice, resulting in injustice being perpetuated and therefore the *ad-interim* injunction in

mandatory form as claimed by the applicant cannot be granted.

14. In the backdrop of above mentioned submissions, rival contentions fall for my consideration.

Consideration of controversy :

15. It has to be noted that this Court is considering the interim application for stay, by which a challenge is raised to the order passed by the Trial Court rejecting the stay application. Thus, in view of the position of law as laid down by the Full Bench of this Court in the matter of **UTO Nederland B.V. & Anr.** (supra) and **World Crest Advisors LLP** (supra), it has to be seen as to whether the view taken by the Trial Court is plausible view based on material before it and whether the view put forth by the applicant could have been the only plausible view.

16. As regards the applicant's contentions that the decision of the Club is in violation of bye-laws particularly Article 11, it has to be noted that in accordance with the procedure as provided, a show cause notice dated 22nd February 2026 was issued by the Club to the applicant. In response to the show cause notice, the applicant has submitted his reply dated 10th March, 2026. After receiving the reply of the applicant, the Managing Committee thought it proper to constitute a three member committee, in the nature of Fact Finding

Committee, which has submitted its report dated 25th April, 2026. Based on this report, the Managing Committee has passed its resolutions in its meeting and has decided to expel the applicant. A perusal of all these documents, in the backdrop of Article 11 of Bye-laws revealed that the procedure as contemplated by Article 11 is followed and decision of the Club *prima-facie* appears to be based on the report of the Enquiry Committee and thus within the powers of the Management Committee.

17. In view of the above, it becomes clear at this stage that the Managing Committee has acted within its jurisdiction to take a decision about expulsion of member and its decision is not found arbitrary or capricious to the extent of terming it as illegal, at this stage.

18. As regards the contentions about the violation of the principles of natural justice as raised by the applicant, it has to be noted that the applicant was served with a show cause notice, in response to which he has submitted his explanation. The applicant has undisputedly participated in the Enquiry. In view of the audio recording of the proceedings (placed on record at page 241 to 244, Exhibit-TT), it becomes clear that the committee has allowed the applicant to record audio of proceedings held on 17th April, 2026.

Apart from this, it has to be noted that the charge against the applicant was about his participation in the meeting held on 19th January, 2026. The applicant has raised grievance about non-supply of documents. Since it is not disputed by the applicant that the applicant was present in the said meeting, in which accused persons in Bhima-Koregaon case had participated, mere contentions about non-supply of certain documents is not sufficient, at this stage to conclude that there was violation of principles of natural justice. The documents on record reveal that the applicant along with two other persons were given show cause notice and they were afforded opportunities to defend the allegations. Thus it appears that there was substantial compliance with principles of natural justice.

It has to be noted that the conduct of enquiry by the Club related to allegations of mis-conduct of its member cannot be considered with perspective of conduct of judicial proceedings and substantial compliance with the principles of natural justice by giving show cause notice and fair opportunity of hearing should suffice. In view of this, at this stage, even before any evidence is led in suit, it cannot be concluded that the decision of the Club to expel the applicant is illegal being violative of principles of natural justice.

19. It is crucial to note that undisputedly, the applicant has

facilitated the meeting of the persons who are accused in Bhima-Koregaon case. It is also important to note that on the basis of the report of the Enquiry Committee, the National Investigation Agency has filed an application for cancellation of bail of those persons on account of breach of conditions (Exhibit-R 6(1) to the compilation filed by appellant). As such, the conduct on the part of the applicant in facilitating the meeting of accused persons can surely be viewed as an act which has brought the Club into disrepute. In any case, it is prerogative of the Club to decide as to which particular conduct can fall within this category and the Courts cannot substitute their opinion over the decision of the Club in that regard. As such, the contentions of the applicant that there are no findings by the committee that the Club was brought to disrepute, are without any force since the Club has independently arrived at this conclusion on the basis of the report of Enquiry Committee and the decision of the Managing Committee does not appear to be arbitrary or capricious.

20. As regards the position of law as laid down by the Hon'ble Supreme Court in the matter of **T.P. Daver** (supra) relied upon by the counsel for the applicant, it has to be noted that while laying down the principles in paragraph 8, it is specifically observed that 'the jurisdiction of the Civil Court is rather limited, it cannot obviously sit

as a court of appeal from the decision of such a body; it can set aside the order of such a body, if the body acts without jurisdiction or does not act in good faith or acts in violation of principles of natural justice’.

It has to be noted that the Club has acted within its jurisdiction and there is nothing to establish that the action is not in good faith. Pertinent to note, that the Club was in fact empowered to take action of suspension of the applicant in accordance with Article 11 even before conduct of inquiry and since the Club has not suspended the member, there is no reason to conclude that the Club has acted in bad faith.

21. In this background if the impugned order is perused, it becomes amply clear that the Trial Court has given due opportunity of hearing and due consideration to all factual and legal aspects and has dealt with all the contentions canvassed on behalf of the applicant. Although counsel for the applicant has raised grounds in the appeal that certain contentions are not dealt with in detail, it has to be noted that while considering the application for grant of injunction, the Trial Court has primarily considered the aspects of *prima-face* case, balance of convenience and irreparable loss. The observations recorded by the

Trial Court appears to be based on material available before it and the reasons are recorded by considering Article / Rule 11 of Bye-laws, so also the relevant documents in the nature of show cause notice, reply and report of the Enquiry Committee. The reasons recorded by the Trial Court indicate that all relevant aspects are considered and even the judgments cited on behalf of both the parties have been dealt with. The impugned order thus appears to have been passed on the basis of material available before the Court and I do not find any perversity warranting interference on any count.

22. It has to be noted that the Trial Court has refused to exercise its discretion in favour of the applicant/plaintiff. The position of law is settled as clarified by the Full Bench of this Court in the case of **UTO Nederland B.V. & Anr.** (supra) about the scope and ambit of an Appeal from Order and it has been clarified that the Appellate Court will not interfere with exercise of discretion of the Court of first instance and substitute its own discretion except where the discretion is shown to have been exercised arbitrarily or capriciously or perversely and where the Court had ignored the settled principles of law regulating grant or refusal of interlocutory injunction.

23. After giving anxious consideration to the legal position and

the contentions canvassed, on behalf of both the parties, I of the considered opinion that the impugned order is not at all perverse warranting interference on any count and hence the instant interim application deserves to be rejected. It is, however, clarified that the observations recorded in this order are while considering the Interim Application for stay.

24. In view of above mentioned factual and legal aspects, the interim application is rejected, with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)