

Form No.J(2)

IN THE HIGH COURT AT CALCUTTA

Civil Appellate Jurisdiction

Appellate Side

Present : The Hon'ble Mr. Justice Sabyasachi Bhattacharyya
&
The Hon'ble Mr. Justice Sandip Kumar De

FMAT 441 of 2026
With
CAN 1 of 2026

The Secretary, Panskura Vidyasagar Social Welfare Society and Anr.
Vs.
The District Magistrate and Collector, Purba Medinipur and Ors.

For the appellants : Mr. Siddhartha Banerjee,
Mr. Abhisek Baran Das,
Mr. Arka Chandra Roy,
Mr. Aurin Chakrabarty, Advs.

For the respondent nos.
6, 7 & 8 : Mr. T. K. Sinha,
Mr. Sk. Rejaul Alam, Advs.

Heard on : October 15, 2026.

Judgment on : October 15, 2026.

Sabyasachi Bhattacharyya, J.:

1. Affidavit of service filed today be kept on record.
2. The present appeal arises out of a suit filed by the plaintiffs/appellants for recovery of money alleged to have been defalcated by the defendants/private respondents, as well as for declaration that the plaintiffs alone have authority to submit annual returns and function on behalf of the concerned Society, and for declaration that the defendant nos. 6, 7 and 8/ private respondents have no semblance of right or authority to represent the Society or the Executive Committee thereof in any manner whatsoever before any person or authority, along with other consequential reliefs.
3. By the impugned order, the prayer of ad-interim injunction made by the plaintiffs/appellants, to the effect that the private respondents be restrained from operating the bank accounts of the Society as well as from giving themselves out as office bearers thereof, was refused.
4. The learned Trial Judge, despite having observed that a *prima facie* case has been made out, granted *status quo* directing both

the plaintiffs and the defendant nos. 6, 7 and 8 to maintain *status quo* in respect of transactions in connection with the bank accounts of the Society in respect of the suit.

5. Learned counsel for the appellants submits that the impugned order was beyond the prayer made by the appellants as well as would have the effect of paralysing the functioning of the Society altogether, which is running an educational institution.

6. Learned counsel takes the court through several documents annexed to the injunction application before us as well as before the Trial Court, from which it transpires that by a meeting dated February 23, 2026, the President, that is, the father of the appellant no. 2, Ms. Payel Sahoo, namely Shri Amiya Kumar Sahoo, presided over the meeting where the private respondents were removed respectively from the posts of Secretary, Treasurer and membership of the Society.

7. Subsequent thereto, on the self-same date, the private respondents, by forging the signature of Amiya Kumar Sahoo, President, wrote a communication to the Joint Registrar, Office of Firms, Societies and Non-trading Corporations, indicating that they were the designated signatories of the Society, seeking to cancel a

copy of the minutes of a previous Annual General Meeting on the ground that it was erroneous, and also to file annual returns afresh.

8. By placing reliance on the said letter, annexed at page 276 of the present injunction application, learned counsel submits that, even on a visual comparison of the signature therein with the signatures of the President as depicted in the earlier meetings of February 2026, it would be revealed that the letter contained a forged signature of the President.

9. Taking advantage of such forgery, it is alleged that the private respondents have appointed themselves in a subsequent meeting, held on May 10, 2026, as various portfolio holders of the Society in question and have started operating its bank accounts. Not stopping there, it is argued that the private respondents have been collecting money and have formed social media groups including the newly inducted students, insisting upon all payments to be made by the students to the private respondents.

10. Learned counsel further points out that such activities are being undertaken despite the private respondents having been already removed from their offices on the allegation of serious monetary defalcations.

11. In view of arguable questions having been raised, the appeal is admitted and is taken up for hearing.
12. Learned counsel for the private respondents, upon being invited by the court to address the issues raised, contends that it is the private respondents who are the valid functionaries and portfolio holders of the concerned Society. It is submitted that from a plain reading of the averments made in the plaint, it would be found that the name of the Secretary of the concerned Society, namely, Panskura Vidyasagar Social Welfare Society, has not been mentioned in the cause title of the plaint. In the body of the plaint, it is submitted that the plaintiff no. 2 has claimed merely in the capacity of being the daughter of the President of the Society. Thus, it is argued that the suit is hit by Section 19 of the West Bengal Societies Registration Act, 1961, which mandates that every Society may sue or be sued in the name of the President, the Secretary or any office bearer authorized by the governing body in this behalf.
13. Learned counsel next argues that the term of the erstwhile President Amiya Kumar Sahoo expired with the financial year 2024-2025.
14. Thereafter, the earlier Executive Committee become defunct.

15. Subsequently, upon the private respondents being elected in the respective portfolios in the month of May, 2026, it is them who are entitled to operate the bank accounts of the Society and to run the Society.

16. Learned counsel submits that the letter dated February 23, 2026 allegedly given to the Joint Registrar is a manufactured document produced by the appellants.

17. Since the relief in the suit as well as the present appeal have been primarily sought against the private respondents, we dispense with service of notice on the other respondents.

18. Upon a thorough perusal of the annexures to the plaint and the injunction application and the contentions made therein, we find sufficient substance in the contention of the appellants. Insofar as the alleged violation of Section 19 of the 1961 Act is concerned, we find from the cause title of the plaint that it is the Secretary of the concerned Society which is the plaintiff no. 1 and the plaintiff no. 2 is Ms. Payel Sahoo, the Secretary herself, in her individual capacity.

19. However, in the very first paragraph of the plaint, it has been stated that the plaintiff no. 1 is the Secretary of the Society whereas in the affidavit filed in support of the plaint, the said plaintiff no. 2

has categorically averred that she is the plaintiff no. 1 in the suit as well.

20. That apart, from the averments made in paragraph no. 17 of the plaint, it is found that the plaintiff no. 2, who is the plaintiff no. 1 (in the capacity of Secretary of the Society) as well, was appointed as such Secretary in the month of February, 2026. Necessary documents, being the minutes of the said meetings dated February 16, 2026 and February 23, 2026, have also been annexed to the injunction application, thereby *prima facie* supporting the contentions made in the said paragraph of the plaint.

21. It is well-settled that merely upon expiry of the tenure of the erstwhile Executive Committee of a Society, the Committee does not automatically become defunct unless a new body is elected by a valid process of election, since otherwise, the Society would run in a vacuum and, consequentially, its functioning will come to a stand-still. Even as per the case of the respondents as canvassed before us, the private respondents came into the picture only in the month of May, 2026. Taking the averments in the plaint chronologically, we find that prior to such election, on February 23, 2026, the private respondents had already been removed,

respectively from the posts of the Secretary, Treasurer and ordinary membership of the same.

22. Thus, as on May 10, 2026, they did not have any *locus standi* to convene a further meeting.

23. Also, in the resolution of May 10, 2026 on the strength of which the private respondents seek to derive power, the respondent no. 6, namely Sk. Mohammad Ali has described himself to be the President, which is contrary to the position as on that date, since Amiya Kumar Sahoo was still the existing President.

24. From the rules and regulations of the Society, which are also annexed in the present pleadings, we find that it is the President, who shall preside over all meeting of the Executive Committee.

25. Moreover, Regulation 13 provides that the banking accounts of the Society shall be operated by the President, Secretary and Treasurer, any of them jointly.

26. In view of the above observations, based on the materials placed before the Trial Court and before us, it transpires that a strong *prima facie* case has been made out by the plaintiffs/appellants for getting an injunction as prayed for at the ad-interim stage.

27. We cannot also fail to take note of the fact that the learned Trial Judge, despite having considered the respective cases of the parties and having observed that the plaintiffs have *prima facie* established a case to go for trial and that delay might defeat the purpose for which ad-interim injunction was required, arrived at a contradictory conclusion by granting a blanket order of *status quo* restraining both the plaintiffs as well as the defendant nos. 6, 7 and 8 in respect of any transaction with respect of the bank accounts of the concerned Society. Not only is the operating portion of the impugned order contradictory to the findings arrived at therein, but the same is also beyond the prayers made by the plaintiffs.

28. It trite law that at the ad-interim stage, it is the averments made in the plaint and injunction application and the documents relied on therein which are to be taken as sacrosanct for the purpose of considering grant of ad-interim injunction. In consonance with the findings of the learned Trial Judge himself, we also find that a strong *prima facie* case has been made out and that delay may defeat the purpose of the injunction.

29. Accordingly, FMAT 441 of 2026 is allowed, thereby setting aside the impugned order dated September 24, 2026 passed by the learned Civil Judge (Senior Division), First Court at Tamluk, District

– Purba Medinipur in Title Suit no. 266 of 2026 and granting ad-interim injunction restraining the defendants/ respondent nos. 6, 7 and 8 from giving themselves out to be office bearers of the Panskura Vidyasagar Social Welfare Society and/or from operating the bank accounts of the said Society till disposal of the temporary injunction application by the learned Trial Judge. The said private respondents shall file their written objection to the injunction application by November 13, 2026. In the event the said objection is filed by the aforesaid date, the learned Trial Judge shall dispose of the temporary injunction application as expeditiously as possible, positively by December 15, 2026.

30. We make it clear that the merits of the respective contentions of the parties have not been conclusively decided by us and the above findings are only tentative in nature, binding only at the stage of ad-interim injunction, and the learned Trial Judge will be at liberty to independently decide the injunction application and the suit on their own merits, without being unduly influenced in any manner by any of the observations made hereinabove or in the impugned order.

31. Consequentially, CAN 1 of 2026 is also disposed of.

32. There will be no order as to costs.

33. Urgent photostat certified copies of this judgment, if applied for, be supplied to the parties upon compliance of all requisite formalities.

34. All concerned are to act on the server copy of this judgment without insisting unnecessarily upon prior production of a certified copy thereof.

I agree.

(Sabyasachi Bhattacharyya, J.)

(Sandip Kumar De, J.)

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(SSS)