

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 932 OF 2026

Cine And Television Artistes Association Cintaa

Thr Its Vice President Chandraprakash B Thakur

...Appellants

Versus

Federation Of Western India Cline Employees

(FWICE) Thr Its President Mr B.N.tiwari

...Respondent(s)

WITH
INTERIM APPLICATION (L) NO. 27080 OF 2026
IN
APPEAL FROM ORDER NO. 932 OF 2026

Mr.A.S.Peerzada a/w. Mr. Rakesh Sawant a/w. Shamiyana H a/w. Ms. Ashish Shukla
i/b. Arhat Legal, for Appellants.

Mr. Ashok D. Shetty a/w. Mr. K.R.Shety and Bushra Moghul, for Respondents.

CORAM: AARTI SATHE, J.

DATE: 11 SEPTEMBER 2026

P.C.

1. Heard learned counsel on behalf of the parties for some time.
2. This Appeal from Order has been filed taking exception to the order dated 8th September 2026 passed by the learned City Civil Court, at Dindoshi, Borivali Division, Goregaon, Mumbai (hereinafter referred to as the "Trial Court") on the Notice of Motion in S.C. Suit No. 1839 of 2026, whereby the learned Trial Court has rejected the ad-interim reliefs as prayed for by the Appellants.

3. It is the Appellants' case that the elections which were to be conducted by the Appellants have, instead, been conducted by the Respondents, contrary to the Constitution of the Appellants. It is further submitted that the learned Trial Court has failed to appreciate that the Appellants and the Respondents are two distinct trade unions, each of which is governed by its respective registered Constitution.

4. It is further the contention of the Appellants that Clause 26(d) of the Respondents' Constitution does not confer any authority upon the Respondents to conduct the elections in question. Consequently, the entire election process conducted by the Respondents is contrary to their Constitution and is, therefore, vitiated.

5. It is further the contention of the Appellants that the learned Trial Court has failed to deal with Clause 29(b) of the Appellants' Constitution as well as Clause 18(f)(iii) thereof. The learned Trial Court has proceeded to reject the ad-interim reliefs essentially on the ground that the issues raised give rise to triable issues which can be adjudicated upon at the stage of evidence and that, since the election process has already been set in motion, no ad-interim relief ought to be granted. It is submitted that the aforesaid approach of the learned Trial Court has caused grave prejudice and irreparable harm to the Appellants.

6. Per contra, learned Counsel appearing on behalf of the Respondents has vehemently opposed the reliefs sought in the present Appeal from Order. It is submitted that the Executive Committee of the Appellants itself stands dissolved, inasmuch as certain members of the Executive Committee have resigned and have thereafter approached the Respondents for conducting the elections.

7. Learned Counsel for the Respondents has placed reliance upon Clause 26(d) of the Respondents' Constitution to contend that the Respondents have complete authority to dissolve the committee of their affiliate association where such committee continues to represent the association without conducting fresh elections even after expiry of its elected term. It is further submitted that, in such circumstances, the elections are required to be conducted under the surveillance of the Scrutiny Committee upon giving 15 days' notice.

8. Learned Counsel for the Respondents has further submitted that the election process has already been set in motion and, in fact, the election schedule annexed at page 67 of the Appeal from Order indicates that the elections are scheduled to be held tomorrow.

9. Heard learned Counsel for the parties for some time. Upon giving due consideration to the rival contentions advanced before the Court, it is clear that the impugned order has been passed at the ad-interim stage and that the learned Trial Court has not yet recorded any final findings upon appreciation of the evidence or upon a detailed consideration of the documents forming part of the record.

10. In the circumstances, without opining anything on merits or giving any *prima facie* imprimatur of this Court, it would be appropriate that the learned Trial Court considers and appreciates the evidence and documents on record while hearing and deciding the Notice of Motion, which is presently kept for hearing on 26th October 2026. At the hearing of the aforesaid Notice of Motion, all contentions of the parties are expressly kept open.

11. It is further a settled principle of law that once the election process has been set in motion, the Courts ought not to ordinarily interdict or interfere with such process. In view thereof, this Court is not inclined to interfere with the election process at this stage. The elections may, therefore, proceed and be conducted tomorrow in accordance with the schedule.

12. However, it is clarified that, considering that the Notice of Motion is pending adjudication and is kept for hearing on 26th October 2026, the Respondents shall not act upon or give effect to the results of the elections until the next hearing of the Notice of Motion, i.e. 26th October 2026.

13. The learned Trial Court shall endeavour to hear and decide the Notice of Motion on 26th October 2026. The parties shall not seek any adjournment on the said date. It is clarified that the aforesaid direction at paragraph 12 shall operate only until 26th October 2026.

14. All contentions of the parties are expressly kept open.

15. The Appeal from Order is disposed of in the aforesaid terms.

16. Interim Applications, if any, stand disposed of accordingly.

(AARTI SATHE, J.)