

A protracted litigation has drawn a close. We must be thankful to the learned counsel appearing for the parties, in particular Mr. Hirak Kumar Mitra, learned senior counsel and Mr. Thakkar, learned counsel, appearing for their respective clients.

The dispute would relate to the conducting of the affairs of Automobile Association of Eastern India. The dispute would centre around the president and the secretary elected through 106<sup>th</sup> Annual General Meeting. Mr. Nilangshu Bhusan Basu was the president whereas Mr. Suman Chattopadhyay was elected as the general secretary. It is alleged, Suman was responsible for defalcation of funds to the extent of lakhs, particularly pointed out in an audit report appearing at pages 226 - 281 of the paper book. It is alleged by the appellants (FMA 909 of 2013), despite requisition being sent Nilangshu being the president of the association failed to convene an extraordinary general meeting to discuss the issue and remove the erring secretary responsible for defalcation. We are told, the police have already started investigation into the defalcation and relevant records have already been seized by the police.

The requisitionists held a separate meeting and removed the president and the secretary, that became subject matter of litigation. The learned Judge of the Court below held such meeting as illegal and directed reinstatement. Subsequent proceedings were off suits of the original proceeding challenging the requisition meeting. The parties were divided in two groups, one headed by Nilangshu and Suman and the other opposing the president and the secretary. Subsequent meetings were held, that also became the subject matter of challenge. As per the arbitration clause, the dispute is also referred to arbitration.

Two appeals started appearing in the list for hearing, one as against the order of the learned Additional District Judge cancelling the holding of the 107<sup>th</sup> Annual General Meeting and the other by Nilangshu against refusal to pass interim order challenging the 108<sup>th</sup> Annual General Meeting held by the other group.

We heard Mr. Hirak Kumar Mitra yesterday. We could not conclude hearing. Today, when Mr. Mitra resumes his argument, we have suggested a solution that we try to do in almost all the matters being reminded of our solemn duty cast upon us under Section 89 of the Code of Civil Procedure. We have called the parties in Court. The