

# भारतीय भारोत्तोलन संघ Indian Weightlifting Federation



Affiliated to: International Weightlifting Federation, Asian Weightlifting Federation,  
Commonwealth Weightlifting Federation and Indian Olympic Association  
Recognised by: Ministry of Youth Affairs & Sports, Govt. of India

President

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File No.: IWLF-Cir./2019-20/99

Date: 23 July 2019

*All affiliated States and Units  
of Indian Weightlifting Federation*

**Sub.: Disposing off the case filed in the Hon'ble High Court of Delhi by  
CBR Academy of Sports and Education claiming themselves  
as legal faction – Indian Weightlifting Federation.**

Dear All,

We are pleased to inform you that Hon'ble High Court of Delhi has disposed off the petition filed by C.B.R. Academy of Sports and Education claiming themselves as legal body (Society) running the sport of weightlifting and Indian Weightlifting Federation in the case hearing on 17<sup>th</sup> July 2019. Copy of order dated 17<sup>th</sup> July 2019 is enclosed for kind reference.

All affiliated States and Units of Indian Weightlifting Federation are advised to circulate it Court Orders amongst the local weightlifting fraternity and refrain your local athletes to participate in any weightlifting activity conducted by C.B.R. Academy of Sports and Education, Andhra Pradesh.

Yours Sincerely,

  
[Sahdev Yadav]

Secretary General

Encl. as above.

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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(OS) 505/2016 & IAs No.12189/2016 (u/O XXXIX R-1&2 CPC),  
7542/2017 (u/O XXXIX R-4 CPC), 10064/2017 (u/O XXVI R-2  
CPC) & 12382/2017 (of defendants u/O XXXIX R-1&2 CPC)

INDIAN WEIGHTLIFTING FEDERATION & ANR ..... Plaintiffs  
Through: Mr. Hrishikesh Paruah, Mr. Parth  
Goswami and Mr. Hemant Phalpher,  
Adv.

Versus

CBR ACADEMY OF SPORTS AND EDUCATION  
& ORS ..... Defendants  
Through: Mr. Jivesh Kumar Tiwari, Adv. for  
D-1&5.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**

**17.07.2019**

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1. This order is in continuation of the earlier order dated 4<sup>th</sup> April, 2019.
2. Today also, Mr. Jivesh Kumar Tiwari, Advocate did not appear on first call and has appeared on second call only.
3. Mr. Jivesh Kumar Tiwari, Advocate states that neither defendant No.4 C.B.R. Prasad, who is described in the Memorandum of Parties, as Chairman of defendant No.1 CBR Academy of Sports and Education, is present nor defendant No.5 P. Ravi Kumar.
4. There is no explanation for non-appearance inspite of directions and Mr. Jivesh Kumar Tiwari, Advocate seeks further three weeks' time.

5. I have however enquired from Mr. Jivesh Kumar Tiwari Advocate, that once, after the institution of the suit, elections to the office of the office bearers of plaintiff No.1 Indian Weightlifting Federation (IWF) have been held and new office bearers elected, what is the right of the defendants to represent themselves to be the office bearers of the plaintiff No.1 IWF and to use the name, logo, seal and letterhead of the plaintiff No.1 IWF.

6. Mr. Jivesh Kumar Tiwari, Advocate states that he has also advised the defendants so and they will come and make a statement.

7. Once opportunity was given to appear on 4<sup>th</sup> April, 2019 and the aforesaid persons have not appeared till date, the suit cannot be kept pending.

8. Mr. Jivesh Kumar Tiwari, Advocate then states that no Income Tax Returns are being filed by the plaintiff No.1 IWF and have been filed only after filing of this suit.

9. Even if that be so, the remedy thereagainst is not for the defendants to start claiming themselves to be the office bearers of the plaintiff No.1 IWF.

10. Mr. Jivesh Kumar Tiwari, Advocate states that he has also advised so to the defendants.

11. For the reasons already recorded in the order dated 4<sup>th</sup> April, 2019 and recorded hereinabove, the plaintiffs have made out a case for grant of a decree of permanent injunction, as sought.

12. A decree of permanent injunction is accordingly passed, in favour of the plaintiffs and against the defendant No.1 CBR Academy of Sports and Education, defendant No.4 C.B.R. Prasad and defendant No.5 P. Ravi Kumar in terms of prayer paragraph 28 (A), (B), (B1) and (B2) of the plaint

dated 28<sup>th</sup> January, 2017.

13. The plaintiffs are not found entitled to the decree for mandatory injunction and damages sought.

14. In the circumstances, no costs.

Decree sheet be drawn up.

**RAJIV SAHAI ENDLAW, J.**

**JULY 17, 2019**

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