



2026:KER:32452

F.A.O.No.28 of 2026

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE S.MANU

FRIDAY, THE 10<sup>TH</sup> DAY OF APRIL 2026 / 20TH CHAITHRA, 1948

FAO NO. 28 OF 2026

AGAINST THE ORDER DATED 03.02.2026 IN IA 2/2025 IN OS  
NO.19 OF 2025 OF IV ADDITIONAL DISTRICT COURT, THRISSUR

APPELLANTS/RESPONDENTS/DEFENDANTS :

- 1      CHERUTTY MUHAMMED  
         AGED 62 YEARS  
         S/O HAMSA, MAJALINGAL HOUSE, THRIKKALLUR P.O.  
         POTTASSERY VILLAGE, MANNARKKAD,  
         PALAKKAD DISTRICT, PIN - 678593.
  
- 2      HABEEBULLA A.M  
         AGED 62 YEARS  
         AMBAZHATHINGAL HOUSE, URNGATTIRI P.O.  
         THERATTAMMAL VILLAGE, AREECODE, MALAPPURAM  
         DISTRICT, PIN - 673639
  
- 3      SALAHUDHEEN M  
         AGED 52 YEARS  
         S/O HYDRU, KUPPANATH HOUSE, NADUVAKKAD, MAMBAD  
         P.O, MAMBAD VILLAGE, MALAPPURAM DISTRICT, PIN -  
         676542
  
- 4      FAROOQ  
         AGED 60 YEARS  
         S/O KUNHIMOIDEEN PACHEERI HOUSE, PATHAIKKARA P.O.  
         PERINTHALMANNA TALUK, MALAPPURAM DISTRICT, PIN -  
         679322



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- 5 MUHAMED MUSTHAF A KAVUNGAL  
AGED 58 YEARS  
S/O AYAMU, KAVUNGAL HOUSE, OTHUKKUNGAL VILLAGE,  
OTHUKKUNGAL P.O. OTHUKKUNGAL, MALAPPURAM  
DISTRICT,  
PIN - 676528
  
- 6 SHAHUL HAMEED  
AGED 62 YEARS  
S/O HASSAN KUTTY HAJI, KUNNEDADAN HOUSE, KONDOTTY  
VILLAGE, KONDOTTY, MELANGADI, MALAPPURAM,  
MALAPPURAM DISTRICT, PIN - 673638
  
- 7 SAINUDEEN MANU  
AGED 58 YEARS  
S/O MANU, KHADDEEJA MANZIL HOUSE, THURTHY VILLAGE,  
KAITHAKKAD, CHERUVATHUR, THIMRI, KASARAGOD  
DISTRICT, PIN - 671313
  
- 8 YASHIK NAISAM  
AGED 50 YEARS  
S/O BAPPUTTY, MECHERI HOUSE, HURAKKAL P.O.  
MANJERI VILLAGE, MALAPPURAM DISTRICT, PIN -  
676121
  
- 9 ANWAR  
AGED 60 YEARS  
SHEIK MANZIL HOUSE, KOORKKAN CHERI P.O., THRISSUR  
DISTRICT, PIN - 680007
  
- 10 KRISHNANKUTTY  
AGED 60 YEARS  
S/O ARAMUGHAN, PADINJARETHIL HOUSE, CHOLAKULAM,  
SHORUNUR P.O, PALAKKAD DISTRICT, PIN - 679121



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- 11 GIRISHAN  
AGED 57 YEARS  
S/O M. GOPALAKRISHNAN, AISWARYA HOUSE, AISWARYA  
LANE, PATTURAIKKAL P.O, THRISSUR, THRISSUR  
DISTRICT,  
PIN - 680003
- 12 YOOSAF EMADAN  
AGED 63 YEARS  
S/O ALAVI, EMADEN HOUSE, KALIKAVU P.O. VELLAYUR  
VILLAGE, MALAPPURAM DISTRICT, PIN - 676525
- 13 MUNEER C.T  
AGED 58 YEARS  
S/O MUHAMED, CHALILTHODI HOUSE, KALARIYIL P.O.,  
AREACODE VILLAGE, MALAPPURAM DISTRICT, PIN -  
673639
- 14 JOHNSON JACOB  
AGED 50 YEARS  
S/O JACOB, CHITILAPPILLY HOUSE, ANJOOR P.O,  
ANJOOR VILLAGE, MUNDUR P.O, PIN - 680541.

BY ADVS.  
SHRI.G.KRISHNAKUMAR  
SMT.NINA P. AUGUSTINE  
SMT.ATHULIYA P.  
SHRI.SOORAJ SUNIL P.

RESPONDENT/PETITIONER/PLAINTIFF:

SEVENS FOOTBALL ASSOCIATION  
REGISTERED UNDER TRAVANCORE COCHIN SCIENTIFIC,  
LITERARY AND CHARITABLE SOCIETIES REGISTRATION  
ACT, 1955 HAVING ITS REG. OFFICE AT PARIS  
BUILDING 5/100, KAIPARAMBU GRAMA PANCHAYATH,



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ANJOOR VILLAGE, MUNDUR P.O. REG. AS  
TSR/TC/493/2015, REPRESENTED BY ITS GENERAL  
SECRETARY, MUHAMMED ASHARAF BAVA, AGED 66,  
S/O MUHAMMED ABDUL KAREEM MASTER,  
PERUVANKUZHIYIL HOUSE, CHEMMANKADAVU,  
MALAPPURAM VILLAGE, MALAPPURAM DISTRICT, PIN -  
676519

BY ADVS.  
SRI.AJAIY BASKAR  
SRI.RAJIT

THIS FIRST APPEAL FROM ORDERS HAVING COME UP FOR  
ADMISSION ON 30.03.2026, THE COURT ON 10.04.2026 DELIVERED  
THE FOLLOWING:



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**S.MANU, J.**

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Dated this the 10<sup>th</sup> day of April, 2026

**JUDGMENT**

Respondents in I.A.No.2 of 2025 in O.S.No.19 of 2025, pending before the Fourth Additional District Court, Thrissur, have filed this appeal, aggrieved by the order dated 03.02.2026 passed by the learned Additional District Judge, in the interim application for injunction.

2. In the application filed by the respondent under Order XXXIX Rule 1 of the Code of Civil Procedure, it was alleged that the appellants herein proposed to convene a meeting in the name of the respondent Association under the title 'SFA Convention' on 07.10.2025 at Perinthalmanna. It was further alleged that the appellants herein had formed an Association with a name deceptively similar and identical as that of the respondent. The respondent contended that Sevens



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Football Association is a society registered in the year 2015 and it has been using the name and trademark, 'Sevens Football Association'. The nickname 'SFA' has also been in use as given by the general public and football lovers. The Association was formed to co-ordinate Sevens Football tournaments across the State and it has been conducting such tournaments at various places within the State. It was further submitted that the Association owns an official website from 09.10.2016 as also a Facebook page from 26.07.2016. It also operates a Bank account with the SBI, Malappuram branch and possesses a PAN issued by the Income Tax Authorities. It owns an extent of 1 Acre 39 square meters of immovable property in Kottakal Village. The crux of the allegation is that some of the appellants were earlier members of the Association and were expelled for indulging in activities against the interest of the Association. They attempted to make it appear that they are the actual office bearers of the Association and tried to renew registration by showing



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themselves as the current office bearers. However, the said attempt was not successful, as the Registrar rejected their request. It was further claimed by the respondent that the registration was later renewed by the office bearers who are properly elected. The respondent alleged that the appellants are unauthorisedly using the name and logo of the respondent. The respondent alleged infringement of trademark and also passing off against the appellants.

3. The appellants filed counter statements and resisted the application for injunction. A preliminary objection was raised stating that the bylaw of the Association contains an arbitration clause and therefore the suit was not maintainable. They further alleged that the General Secretary who filed the suit on behalf of the Association was not a properly elected office bearer and therefore he has no right to represent the Association. They further stated that, in the year 2015, the Association was formed with 31 executive members and 51 members.



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Subsequently, on account of the alleged selfish activities of the President and the failure of the office bearers to submit proper accounts to the Registrar and to get the registration renewed, a new Managing Committee was elected and the registration was renewed from 2024 onwards. According to the appellants, there was defect in the payment of the renewal fee on 01.10.2025 and the application for renewal was rejected by the Registrar on account of the said reason. They further contended that they had no information regarding the rejection of the application for registration. On 14.10.2025, the Managing Committee members approached the office of the Registrar. They alleged that the renewal of the Association by the petitioner in the I.A and by one Mr.Lenin, who claims to be the President of the Association for the period 2025-26, is against law. They have submitted a representation to the Registrar and also approached the police alleging misuse of the name and logo of the Association by the petitioner in the I.A. According to the appellants, the respondent



has no right to use the name of 'Sevens Football Association' and its logo. They also claimed that they have not acted in any manner against the interests of the Sevens Football Association.

4. The learned Additional District Judge, after hearing the parties, allowed the I.A. to the extent that a temporary prohibitory injunction was issued against the appellants and their men from using the name of the respondent Association, 'Sevens Football Association', its abbreviation 'SFA', as well as the logo stated in the petition, until the disposal of the case.

5. Heard the learned counsel for the appellants and the learned counsel for the respondent.

6. The learned counsel for the appellants vehemently contended that the suit is not maintainable as the bylaw of the Association contains a specific arbitration clause. He referred to Clause 16 of the bylaw. He also contended that the said aspect was not properly analyzed and addressed by the learned Additional District Judge while rendering the impugned order.



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I find it difficult to accept the contention of the learned counsel for the appellant in this regard. The learned Additional District Judge has considered the said contention and rejected the same. In my opinion, the conclusion arrived at by the learned Additional District Judge in this regard is perfectly correct. The arbitration clause in the bylaw speaks about resolution of disputes between various units of the Association by resorting to the procedure under the Arbitration and Conciliation Act. The arbitration clause is therefore intended only for resolution of disputes between various units and hence in the case of disputes between members of the Association or among its office bearers, arbitration cannot be invoked.

7. The learned counsel for the appellants further submitted that one Mr.Lenin, who claims to be the President of the Association, is a politically influential personality and he caused the application for registration submitted by the appellants rejected by exerting political influence over the



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Registrar. The learned counsel further submitted that the respondent who filed the suit is not competent to represent the registered Association. He further submitted that actually the appellants herein are the real office bearers and members of the Association. The learned counsel for the appellant also submitted that no case of infringement of trademark or passing off is made out. He asserted that the suit is totally misconceived and referred to various judgments of the Hon'ble Supreme Court and also of High Courts in support of his contention.

8. On the other hand, the learned counsel for the respondent submitted that the order under challenge does not call for any interference. He submitted that many of the appellants were earlier members of the Association and disciplinary proceedings were initiated against them. They were suspended from the Association for indulging in activities against the interests of the Association. He submitted that, for last several years, the appellants have not been part of the



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Association and they have been making attempts to usurp control of the Association by indirect means. He further submitted that the name 'Sevens Football Association', its abbreviation 'SFA' and the logo have become popular and established among football lovers. He submitted that due to long usage, the name, abbreviation as well as the logo have acquired reputation in the field. The attempt of the appellants is to infringe the rights of the respondent by using the name, abbreviation and logo of the respondents' Association illegally. He therefore contended that the learned Additional District Judge was perfectly right in granting the interim injunction.

9. In reply, the learned counsel for the appellants vehemently contended that 'Sevens Football' is a form of football game and Sevens Football tournaments are conducted at various places across the State by different Associations as also by football lovers. He therefore argued that 'Sevens Football' is a generic name and there are various Associations



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engaged in organizing Sevens Football tournaments. He submitted that there are at least four organizations operating under the name 'Sevens Football Association'. He, relying on various judgments, submitted that the respondent cannot be permitted to claim any exclusive right to use the name 'Sevens Football Association' as Sevens Football is a generic name indicating a particular form of football game.

10. Apart from hearing the learned counsel for the appellant and the learned counsel for the respondent, I have carefully perused the impugned order and available records. The learned Additional District Judge has analysed the submissions made by both sides in detail. The learned Judge noted that, as of now, the 1<sup>st</sup> respondent herein is the General Secretary of the Association, according to the renewal of registration effected by the Registrar. The learned Additional District Judge also noted that the application for renewal of registration submitted by the appellants herein stands rejected and the said fact is admitted



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by them. The learned Judge also noted that Sevens Football tournaments are conducted at various places under the name 'Sevens Football Association' and such tournaments generate revenue also. Taking into account various relevant aspects, the learned Additional District Judge found that the respondent herein had made out a case for interim injunction. Therefore, the impugned order was passed granting temporary injunction.

11. In an appeal arising from an order passed under Order XXXIX Rule 1, interference will be justified only if the order is arbitrary, capricious, perverse or illegal. In **Seematti Silks Vs. T. Beena** [MANU/KE/2463/2023], this Court held as under:-

"10. In *Wander Ltd. v. Antox India (P) Ltd.*, MANU/SC/0595/1990 : 1990 Supp SCC 727, in paragraph No. 14, it was held as follows :

14. The appeals before the Division Bench were against the exercise of discretion by the Single



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Judge. In such appeals, the appellate court will not interfere with the exercise of discretion of the 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. An appeal against exercise of discretion is said to be an appeal on principle. Appellate court will not reassess the material and seek to reach a conclusion different from the one reached by the court below if the one reached by that court was reasonably possible on the material. The appellate court would normally not be justified in interfering with the exercise of discretion under appeal solely on the ground that if it had considered the matter at the trial stage it would have come to a contrary conclusion. If the discretion has been exercised by the trial court reasonably and in a judicial manner the fact that the appellate court would have taken a different view may not justify interference with the trial court's exercise of discretion. After referring to these principles Gajendragadkar, J. in Printers (Mysore) Private Ltd. v. Pothan Joseph



[MANU/SC/0001/1960 : (1960) 3 SCR 713 : AIR 1960 SC 1156]:(SCR 721)

"... These principles are well established, but as has been observed by Viscount Simon in Charles Osenton & Co. v. Jhanaton [1942 AC 130] '...the law as to the reversal by a court of appeal of an order made by a judge below in the exercise of his discretion is well established, and any difficulty that arises is due only to the application of well settled principles in an individual case'."

11. The apex court has, a number of times cautioned that the appellate court should not interfere with the exercise of discretion of the court at the first instance and substitute its own discretion except where the discretion has been shown to have been exercised arbitrarily, capriciously or perversely. The learned Additional District Judge had exercised his discretion and found that irreparable injury and hardship would be caused to the respondent/plaintiff, if the appellant/defendant is allowed to use the trade name 'SEEMATTI SILKS', which is very similar to the name of plaintiff 'SEEMATTI'. The learned



District Judge also found that since the suit is stayed under Section 124 of the Act, the defendant if not restrained and will be using the said name will cause irreparable injury, hardship and loss to the plaintiff also. The learned Judge also found prima facie case and balance of convenience in favour of the plaintiff and irreparable injury would be caused if an interim injunction is not granted. Therefore, in view of the dictum laid down by the apex court in Wander Ltd. (supra) and also the fact that the learned Judge found that the respondent will be put to irreparable injury, hardship and loss will be caused and the balance of convenience is in favour of the respondent, I am of the view that the learned Additional District Judge is perfectly justified in granting interim injunction as prayed for. Therefore, the First Appeal from Orders lacks merit and it is dismissed.”

12. Various contentions have been raised by the appellants, including that the suit for infringement of trademark and passing off is misconceived. Various authorities were relied on by the learned counsel for the appellant during the course of



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arguments. However, I am of the view that, such elaborate contentions need not be considered in the instant appeal, as the suit is pending trial before the Additional District Court. It is clear from the pleadings of both sides and the arguments advanced that the attempt of both sides is to establish control over the registered Association, 'Sevens Football Association'. As of now, the Registrar has accepted the application for renewal submitted by the office bearers, including the General Secretary who has filed the suit. The application for renewal submitted by the appellants herein stands rejected. As rightly noted by the learned Additional District Judge, the said fact is not disputed by the appellants also. Nevertheless, they have a case that rejection of the application submitted by them was illegal. They also allege forgery and manipulations by the General Secretary who has filed the suit and other office bearers. Whether there was any manipulation as alleged by the appellants is a matter for evidence. The fact remains that, at present, the registration



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was renewed on the basis of application submitted by the General Secretary who has filed the suit and office bearers associated with him. That being so, I do not find that the learned Additional District Judge has committed any illegality in exercising his discretion in favour of the respondent. The learned Judge has borne in mind the well-established parameters with respect to exercising of the discretionary power under Order XXXIX Rule 1. The impugned order cannot be considered as arbitrary, capricious or illegal. I, therefore, find no reason to set aside the impugned order. The contentions of the appellants regarding merits of the suit can be considered by the trial court at the appropriate stage. Therefore, I uphold the impugned order. However, it is made clear that the appellants shall also be entitled to organise Sevens Football tournaments, if they choose to do so, without using the name 'Sevens Football Association', its abbreviation 'SFA' and the logo of the respondent, as shown in the I.A filed before the trial court.



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The appeal is thus rejected, subject to the above. No costs.

**Sd/-  
S.MANU  
JUDGE**

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APPENDIX OF FAO NO. 28 OF 2026

**RESPONDENTS' ANNEXURES**

- Annexure R1(a) A true copy of the original registration certificate of the respondent association with registration number TSR/TC/493/2015 issued by the Registrar of Societies, Thrissur dated 25.11.2015
- Annexure R1(b) A copy of the memorandum of Association and Byelaws of the respondent association
- Annexure R1(c) A copy of the Permanent Account Number Card (PAN) of the respondent association bearing number AASAS3517M dated 25.11.2015
- Annexure R1(d) A true copy of the complaint filed before the registrar dated 27.09.2025
- Annexure R1(e) A copy of the photographs evidencing the convention conducted by the defendants under the name 'SFA convention at Kadaralli Arts and Sports Club, Perinthalmanna, Malapuram District, by unlawfully using the respondents association's mark and logo dated 07.10.2025
- Annexure R1(f) A true copy of the extracts from the minutes of the Governing Body Meeting of the respondent association (pages 205-223) dated 07.10.2025
- Annexure R1(g) A true copy of the First Information Report dated 24.10.2025 in crime number 1921/2025 of Thrissur East Police Station
- Annexure R1(h) A true copy of the status of the trademark association with correspondence no. 7318694 and 7318695



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dated 03.11.2025

- Annexure R1(j) A true copy of the photographs evidencing the convention conducted by the appellants under the name 'Kannur District Convention' by unlawfully using the respondent associations mark and logo dated 11.10.2025
- Annexure R1(k) A copy of the Social media posters published by the appellants announcing the 'Palakkad District Convention and District Committee Formation Meeting' conducted on 12th October 2025 at Sabari Auditorium, Cherpulassery
- Annexure R1(l) A copy of the Social media posters published by the appellants announcing the 'Thrissur - Ernakulam District Convention' conducted on 14th October 2025 at Thrissur tennis trust auditorium, Puzhakkal
- Annexure R1(m) A copy of the Brochure regarding Conducting of Annual General Body Meeting on 19.10.2025 At Hotel Paramount Tower, Kozhikode
- Annexure R1(n) A copy of the photographs evidencing the convention conducted by the appellants under the name Kozhikode, Wayannad Zonal Convention dated 23.10.2025
- Annexure R1(i) A true copy of the certificate of filing issued by registration department government of Kerala to the respondent association dated 30.10.2025