

C.M.A(MD)Nos.287 and 288 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 21.04.2026

PRONOUNCED ON: 25.06.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.M.A(MD)Nos.287 and 288 of 2026
and

C.M.P.(MD)Nos.2597 and 2598 of 2026

Dr.Ebanesh Bensam

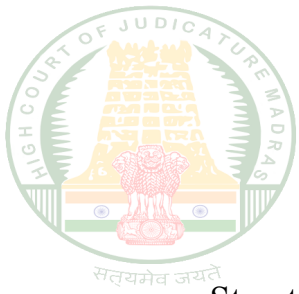
: Appellant
(in both appeals)

Vs

1.Rotary Club of Tamiraparani,
Tirunelveli (Club No.55323 Charter, dated
04.04.2001) through its President,
Door No.101, Hotel Balabagy Complex,
Trivandrum Road, Palayamkottai,
Tirunelveli Distrit.

..... 1st Respondent /Petitioner/Plaintiff

2. Election Committee,
To conduct the 2024-25 Election to
the District Governor of RID 3212
For the year 2027-2028 As per Rotary
International District 3212 By law
Representing the Commitee District
Governor 2024-2025 Meerankhan
Saleem, Door No. 32, Parvathavarthini



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Street, R.V.Puram, Nagercoil, Now
residing at Sheejas Door No.26B,
Mather Sangam Road, Sargunaveethi,
Ramanputhoo, Nagercoil -629 004.

3. J. Navamani

District counsellor as well as Election
Committee To conduct the 2024-25
Election to the District Governor of
RID 3212 For the Year 2027-2028 As
per Rotary International District 3212
By law, Kings Schools, Pudur,
Valliyoor, 627117, Tirunelveli
District.

4.Election Committee

To conduct the 2025-2026 Election to
the District Governor of RID 3212 For
the Year 2028-2029 As per Rotary
International District 3212 By law
Representing the Committee District
Governor 2025-2026 J.Dinesh Babu
D.Cinemas, Door No. 41,
Devipattinam Road,

Ramanathapuram -623 501.

: Respondents 2 to 4/ Respondents
2 to 4/ Defendants 2 to 4
(in both appeals)

COMMON PRAYER:- Civil Miscellaneous Appeals filed under Order 43
Rule 1(r) of the Code of Civil Procedure against the fair and executable
order dated 21.01.2026, passed in I.A.Nos.3 and 4 of 2025 in O.S.No.310
of 2025, on the file of I Additional District Court, Tirunelveli.



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For Appellant

in both appeals : Mr.J.Barathan

For Respondents

in both appeals :Mr.M.Ganagasapapathy
for R.1

: Mr.R.Vinoth
for R.2 to R.4

COMMON JUDGMENT

These two Civil Miscellaneous Appeals are directed against the common order passed in I.A.No.3 of 2025 and I.A.No.4 of 2025 in O.S.No.310 of 2025, dated 21.01.2026, on the file of I Additional District Court, Tirunelveli, granting temporary injunction under Order 39 Rules 1 and 2 C.P.C.

2. The appellant is the first respondent/first defendant in interlocutory applications in I.A.Nos.3 and 4 of 2025 filed under Order 39 Rules 1 and 2 C.P.C., by the first respondent/petitioner/plaintiff.



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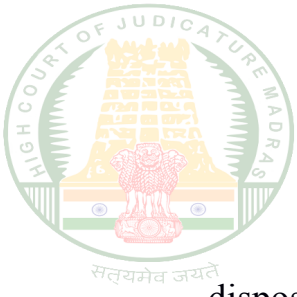
3. For the sake of convenience and brevity, the parties will hereinafter be referred as per their status/ranking before the trial Court.

4. The plaintiff Club filed the suit claiming the following reliefs:

(a) by declaring that the election announcement of the 1st defendant as the District Governor of RID 3212 for the period of 2027-2028 made by the defendants 2 to 4 is null and void and consequentially granting permanent prohibitory injunction restraining the 1st defendant from acting as the District Governor Nominee of RID 3212;

(b) by granting permanent prohibitory injunction restraining the 4th defendant herein in conducting the election proceedings dated 07.10.2025 for the post of District Governor for the period of 2028-2029 for RID 3212 until the illegal appointment of 1st defendant is redressed.

5. The plaintiff also filed two applications seeking temporary injunctions in I.A.No3 of 2025 against the fourth respondent in conducting the election proceedings dated 07.10.2025 for the post of District Governor for the period of 2028-2029 for RID 3212 till the



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disposal of the suit and in I.A.No.4 of 2025 against the first respondent restraining him from acting as the District Governor for RID 3212 for the period of 2027-2028 till the disposal of the suit.

6. The first respondent filed their counter statement opposing the said injunction petitions.

7. During enquiry, the petitioner/plaintiff exhibited 17 documents as Exs.P.1 to P.17 and the respondents exhibited 14 documents as Exs.R. 1 to R.14. The learned trial Judge, after enquiry, passed the impugned common order dated 21.01.2026, allowing the applications and thereby granted the temporary injunctions sought for. Challenging the same, the present Civil Miscellaneous Appeals came to be filed.

8. When the matter was taken up on 06.04.2026, the learned Counsel for the petitioner/plaintiff submitted that they have already filed a memo before the trial Court stating that the matter was settled between the parties and hence, sought permission of the trial Court to withdraw the suit.



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9. The learned Counsel for the first respondent/first defendant submitted that there was no such settlement entered into between the parties and they are disputing the same and that they were ready to argue the main appeal itself. According to the learned Counsel for the first respondent/first defendant, the trial Court lacked the territorial jurisdiction to try the above suit and that the petitioner/plaintiff has purposely filed the above suit before I Additional District Court, Tirunelveli and obtained interim orders.

10. At this juncture, the learned Counsel for the petitioner/plaintiff submitted that they are ready to produce the parties to the settlement before this Court and recording the same, the Court posted the matter to 10.04.2026 and also directed the learned trial Judge not to record the memo seeking withdrawal of the suit till then.

11. When the matter was taken up on 10.04.2026, the learned Counsel for the petitioner/plaintiff submitted that the petitioner alone was present and other parties to the compromise were not present and



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that in view of the opposition from the other side for withdrawal of the suit, on the basis of the alleged settlement, the petitioner/plaintiff was inclined to not press the suit before the trial Court.

12. Considering the submissions made by the learned Counsel for the first respondent/first defendant that on account of the subsisting order of injunction, the first respondent was prevented from discharging his function as District Governor, which is causing serious hardship not only to the first defendant but also to the concerned Club. This Court, taking note of the fact that the suit was proposed to be not pressed, passed an order suspending the order of temporary injunction till 21.04.2026.

13. On 21.04.2026, the learned Counsel for the petitioner/plaintiff submitted that they have already filed a memo and the learned trial Judge recording the memo dismissed the suit as not pressed and produced the copy of the E-Court daily status.

14. At this juncture, the learned counsel appearing for the first respondent/first defendant submitted that, though the petitioner had



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agreed not to press the suit, the memo filed before the trial Court stated as if the dispute had been settled out of Court between the parties, and the same came to be recorded by the trial Court. It is further submitted that the petitioner/plaintiff had deliberately instituted the suit before the concerned Court only to obtain interim orders and, therefore, the first respondent is pressing for the imposition of exemplary costs on the petitioner/plaintiff.

15. It is evident from the E-Courts case status that, on 18.04.2026, the learned trial Judge recorded that the plaintiff's Counsel had filed a memo stating that the subject matter of the suit had been settled out of the Court between the parties, that the plaintiff was not pressing the suit and that the suit might be dismissed without costs. But the trial Court ultimately dismissed the suit as not pressed. In view of the subsequent dismissal of the suit as not pressed, the present appeals challenging the orders passed in the interlocutory applications have become infructuous. But at the same time, the matter cannot be closed without taking note of the certain aspects brought to the notice of this Court.

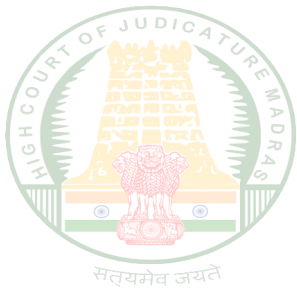


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16. The learned Counsel for the first respondent/first defendant would mainly contend that the Additional District Court at Tirunelveli lacked territorial jurisdiction to entertain the suit, that the entire election process ie., invitation of nominations, receipt of nominations, scrutiny, polling, counting of votes and declaration of results had taken place within the territorial limis of Nagercoil District and no part of the cause of action had arisen within the jurisdiction of the District Court at Tirunelveli and that mere fact the plaintiff Club is situated within the jurisdiction of the District Court at Tirunelveli, or that one of the members of the Election Committee resides therein, would not by themselves confer territorial jurisdiction, unless it is shown that an integral part of cause of action had arisen within such jurisdiction.

17. Considering the above, this Court finds much merit in the contention of the learned Counsel for the first respondent/first defendant and the same deserves serious consideration. But in view of the dismissal of the suit as not pressed, this Court is not inclined to record any conclusive finding on the said issue.

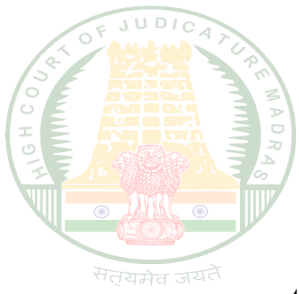


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18. It is pertinent to note that the plaintiff had instituted the suit nearly one year after the declaration of the election results and obtaining succeeded in obtaining interim orders in its favour. As already pointed out, when these appeals were taken up for hearing, the learned Counsel for the petitioner/plaintiff submitted that the dispute had been settled between the parties and also filed a memo seeking permission to withdraw the suit on the basis of the alleged settlement, but the same was seriously disputed. Despite such dispute, the petitioner/plaintiff did not make any attempt to prove the alleged settlement and on the other hand, chose not to prosecute the suit any further by filing a memo stating that the suit was not being pressed. As rightly contended by the learned Counsel for the first defendant, the above conduct of the petitioner/plaintiff has resulted in avoidable litigation and wastage of of valuable judicial time.

19. Section 35 C.P.C., confers discretion on the Courts in the matter of awarding costs. While exercising such discretion, the Court is entitled to take into account the conduct of the parties including whether



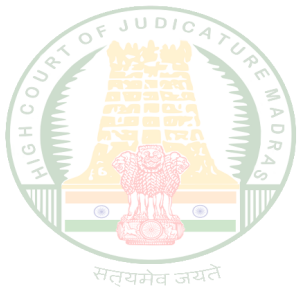
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a party has raised frivolous claim or instituted vexatious proceedings, resulting in wastage of the valuable time of the Court, apart from all other relevant circumstances.

20. At this juncture, it is necessary to refer the decision of the Hon'ble Supreme Court in ***A.Shanmugam Vs. Ariya Kshatriya Rajakula Vamsathu Madalaya Nandhavana Paripalanai Sangam represented by its President and Others*** reported in ***(2012)6 SCC 430*** and the relevant passages are extracted hereunder:

“36. Unless wrongdoers are denied profit or undue benefit from frivolous litigations, it would be difficult to control frivolous and uncalled for litigations. Experience also reveals that our Courts have been very reluctant to grant the actual or realistic costs. We would like to explain this by giving this illustration. When a litigant is compelled to spend Rs.1 lac on a frivolous litigation there is hardly any justification in awarding Rs. 1,000/- as costs unless there are special circumstances of that case. We need to decide cases while keeping pragmatic realities in view. We have to ensure that unscrupulous litigant is not permitted to derive any benefit by abusing the judicial process.

39. Our courts are usually short of time because of huge pendency of cases and at times the courts arrive at an

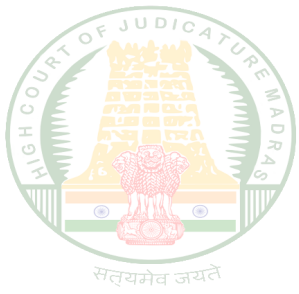


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erroneous conclusion because of false pleas, claims, defences and irrelevant facts. A litigant could deviate from the facts which are liable for all the conclusions. In the journey of discovering the truth, at times, this Court, on later stage, but once discovered, it is the duty of the Court to take appropriate remedial and preventive steps so that no one should derive benefits or advantages by abusing the process of law. The court must effectively discourage fraudulent and dishonest litigants.”

21. The Hon'ble Supreme Court has reiterated the legal position that, where the facts disclose unnecessary or avoidable litigations, forum shopping or conduct tending to an abuse of the process of Court, the Court would be justified in awarding realistic costs. As rightly contended by the learned Counsel for the first respondent/first defendant, the sequences of events gives rise to a legitimate grievance on their part and they were compelled to contest the proceedings before a Forum whose jurisdiction was itself under serious challenge and were thereafter constrained to pursue the appellate remedies, only for the plaintiff to abandon the very suit and such conduct cannot be lightly ignored.



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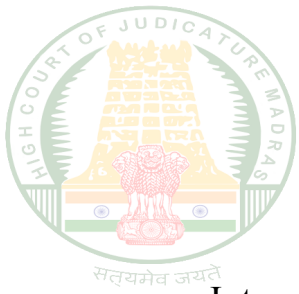
22. In the case on hand, though the appeals have become infructuous, this Court is of the view that the first defendant, who was compelled to prosecute the present appeals, after interim orders had been obtained against them, should not be denied costs. Having regard to the over-all the conduct of the plaintiff and the circumstances leading the present proceedings, this Court is satisfied that the case warrants the imposition of costs.

23. In the result, both the Civil Miscellaneous Appeals are dismissed as having become infructuous in view of the subsequent dismissal of the suit as not pressed. Having regard to the conduct of the petitioner/plaintiff and for the reasons stated above, the petitioner/plaintiff is directed to pay costs of Rs.25,000/- (Rupees Twenty-Five Thousand only) to the appellant/first defendant within a period of two weeks from the date of receipt of a copy of this judgment. Consequently, the connected Civil Miscellaneous Petitions are closed.

25.06.2026

NCC : Yes : No

Index : Yes : No



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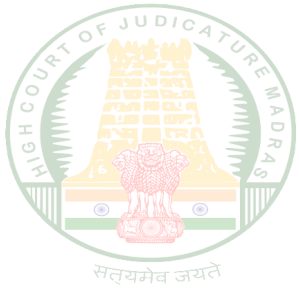
Internet : Yes : No

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To

1. I Additional District Court, Tirunelveli.
2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR,J.

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PRE-DELIVERY JUDGMENT MADE IN

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25.06.2026