

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

Dated : 20.12.2013

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN**C.R.P. (PD) (MD) No. 2332 of 2013****and****M.P. (MD) Nos. 1 to 3 of 2013**

Aptech WBC Software Lab Cricket Club,
represented by its Proprietor. ... Petitioner/Petitioner/Plaintiff

- Vs -

1. Sivagangai District Cricket Association,
represented by its Secretary,
A.Sathish Kumar.
2. Sivagangai District Cricket Association,
represented by its President,
V.R.Venkatachalam.
3. The Tamil Nadu Cricket Association,
represented by its President,
Srinivasan. ... Respondents/Respondents/Defendants

Prayer: Petition filed under Article 227 of the Constitution of India, to set aside the order dated 31.10.2013 passed in I.A.No.256 of 2013 in O.S.No.178 of 2012 on the file of the Principal District Munsif, Karaikudi, insofar it related to the refusal to restore I.A.No.426 of 2012 is concerned.

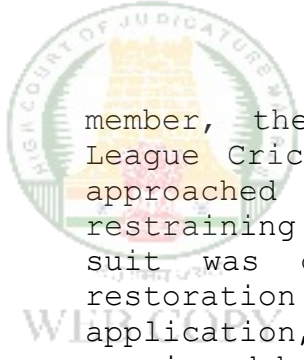
For Petitioner : Mr.S.Subbiah
For Respondents : Mr.K.K.Senthil
for R.1 and R.2
: Mr.P.R.Raman
for R.3

ORDER

The Plaintiff is the petitioner before this Court challenging the order passed by the trial Court in I.A.No.256 of 2013 in O.S.No.178 of 2012 not extending the interim order already granted.

2. The facts of the case are as follows:

<https://hcservices.ecourts.gov.in/hcservices>
The petitioner is a Cricket Club, who is one of the members of the first defendant District Cricket Association. Based on the ground that the petitioner did not pay the subscription for the year to continue as a



member, the petitioner's club was not allowed to participate in the League Cricket Match in the year 2012-2013. Therefore, the petitioner approached the trial Court and got the order of interim injunction restraining the respondents from conducting any match. Subsequently, the suit was dismissed for default on 17.04.2013. On 22.04.2013, the restoration application in I.A.No.256 of 2013 was filed and in the said application, the earlier interim injunction granted was not restored and aggrieved by that only, the petitioner is before this Court.

3. Mr.S.Subbiah, learned Counsel appearing for the petitioner would submit that the petitioner already paid the amount and for the next year, the petitioner undertakes to pay the amount and therefore, the petitioner should be allowed to play in the League Cricket match to be conducted in the year 2013-2014.

4. Mr.K.K.Senthil, learned Counsel appearing for the respondents 1 and 2 and Mr.P.R.Raman, learned Counsel appearing for the third respondent, would contend that the petitioner would be allowed to play in the League Cricket Match with the Leaders Team depending upon the points obtained by the petitioner and the petitioner would be placed either in "B" or "C" Section.

5. Hence, both the parties seek the disposal of the suit itself.

6. A perusal of the plaint would show that the suit itself is for declaration that changing the petitioner's club to "C" section, is null and void and for mandatory direction to conduct Match between the plaintiff's team and Leaders team and to decide about points and consequently, include them either in "B" or "C" Section.

7. As the parties stated before this Court that the first defendant is ready to conduct the League Cricket Match between the plaintiff and the Leaders team and depending upon the points to be obtained by the plaintiffs, they would be placed in "B" or "C" Section, the suit prayer itself is being complied with.

8. In view of the above said settlement as stated by the learned Counsel for the parties, the following directions are given to dispose of O.S.No.178 of 2012:

(i) the plaintiff is directed to pay the subscription for the year 2013-2014 within a period of two weeks from the date of receipt of a copy of this order;

(ii) the first defendant is directed to receive the subscription to be paid by the petitioner and continue the membership of the plaintiff in the first respondent's club;

(iii) the first defendant is directed to conduct the League Cricket Match between the plaintiff's team and the Leaders team; and

(iv) depending upon the points to be scored by the plaintiff, the plaintiff is to be placed either in "B" or "C" Section.



9. With the above directions, this Civil Revision Petition is disposed of. The above order is being passed based on the consent given by the first respondent and it cannot be treated as a precedent. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

ssl

To

The Principal District Munsif, Karaikudi.

+1cc to Mr.S.Subbiah, Advocate Sr No.64314

+1cc to Mr.K.K.Senthil, Advocate Sr No.64015

rg.06.01.2014

3p/4c

C.R.P. (PD) (MD) No.2332 of 2013
and

M.P. (MD) Nos.1 to 3 of 2013
20.12.2013