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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 6TH DAY OF OCTOBER, 2015

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

O.A.No.9 of 2015

in

C.S.No.10 of 2015

Rev.Dr.P.Rajah Prabhakaran,
S/o.Padmanabham,
T32, T-Block, Ist Street,
Anna Nagar,
Chennai - 600 040

..Applicant/Plaintiff

vs

1.Young Men's Christian Association,
Rep.by its General Secretary,
No.233, N.S.C.Bose Road,
Chennai - 600 001

2.Packianathan Ester,
Chairman, YMCA,
No.24/223, NSC Bose Road,
Chennai - 600 001

3.Jeeva Kumar,
S/o.Muthunayagam,
General Secretary and CEO, YMCA,
No.24/223, NSC Bose Road,
Chennai - 600 001

4.J.Benjamin Franklin,
S/o.P.Jesudhas,
No.10, Thangavelu Street,
Vetri Nagar,
Chennai - 600 082

..Respondents/Defendants

Original Application praying that this Hon'ble Court



be pleased to issue an order of ad-interim injunction restraining the respondents/defendants association from implementing the letter dated 23.12.2014 whereby the Applicant/Plaintiff suspended from the membership of the respondents/defendants association pending the disposal of the suit.

This Original Application coming on this day before this Court for hearing the court made the following order:

This application is filed seeking for interim injunction restraining the respondent/defendant Association from implementing the letter dated 23.12.2014.

2. The applicant is the plaintiff. He has filed the present suit for declaration declaring that the letter dated 23.12.2014 of the defendant association informing the plaintiff of his suspension as member of the defendant association as null and void; for mandatory injunction directing the defendant association to permit the plaintiff to function as the Board of Director of the defendant association till December, 2016; for directing the defendants 1 to 4 to pay a compensation of Rs.25,01,000/- to the plaintiff for the mental agony suffered due to the illegal suspension and for costs. Pending disposal of the suit, the present interim



application is filed with the relief as stated supra.

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3. This application is opposed by the first respondent by filing a detailed counter affidavit.

4. Heard both sides.

5. Learned counsel for the applicant/plaintiff submitted that the applicant was illegally suspended from the association and therefore, the present suit is filed challenging such suspension and consequently, the interim injunction has to be granted so as to protect the interest of the plaintiff.

6. Per contra, learned counsel appearing for the 1st respondent/1st defendant Association submitted that the very suit filed is only as against the communication dated 23.12.2014 of the suspension of the plaintiff on 16.12.2014 without challenging the said suspension order. Therefore, he submitted that the plaintiff is not entitled to any interim relief as the main relief is also one and the same. A perusal of the communication dated 23.12.2014 sought to be declared as null and void in the main suit only indicates that it is a communication sent to the plaintiff stating that he was already suspended on 16.12.2014 in the Board Meeting, that too, pursuant to the orders of this Court passed in Application No.7668 of 2014



in C.S.No.692 of 2014 . Therefore, this Court is prima facie of the view that the present suit filed is only against such consequent communication and not against the suspension order. In any event, as the applicant has challenged the proceedings before this Court in the main suit, unless and until he succeeds in the main suit, the question of granting interim injunction restraining the respondents/ defendants from implementing the letter dated 23.12.2014 does not arise as in fact, the said communication has already been worked out and there is nothing to be implemented as the said communication itself is not the order of suspension. Therefore, I find that the present interim injunction application is misconceived and consequently, the same cannot be entertained. Accordingly, the application is dismissed.

sd/.K.R.C.B.J

06.10.2015

//Certified to be a true copy//

Dated this the day of 2015

R.s/20.11.2015

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.