



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2015

CORAM:

THE HONOURABLE MR. JUSTICE P. DEVADASS

C.M.A. No.1108 of 2015
and M.P. (MD) .No.1 of 2015

- 1.M.N.Radhakrishnan
- 2.P.V.Surendran
- 3.E.T.Rajendran
- 4.B.A.Muruganantham

... Appellants/Petitioners/Plaintiffs

-vs-

- 1.The Inspector General of Registration,
Mylapore, Santhome, Chennai.
- 2.The Deputy Inspector General of Registration,
Rajakambiram, Thirumohur, Madurai District.
- 3.The District Registrar of Societies (South)
Upstairs, Palace Road, Madurai-1.
- 4.The Victoria Edward Hall through its Secretary,
32-B, Westveli Street, Madurai-1.
- 5.I.Ismail

.. Respondents/Respondents/Defendants

PRAYER: Civil Miscellaneous Appeal is filed under Order 43, Rule 1 of C.P.C., against the order dated 28.05.2015 of the learned Vacation Civil Judge of Madurai and made in I.A.No.58 of 2015 in O.S.No.33 of 2015 (Re-numbered as I.A.No.437 of 2015 in O.S.No.489 of 2015) on the file of the III Additional Subordinate Judge, Madurai.

For Appellants : Mr.T.R.Subramanian

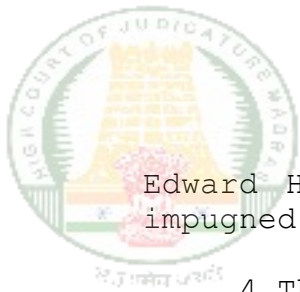
For R4 and R5 : Mr.G.R.Swaminathan

JUDGMENT

This Civil Miscellaneous Appeal has been directed as against the order of the learned Vacation Civil Judge, Madurai passed in I.A.No.58 of 2015 in O.S.No.489 of 2015.

2.The plaintiffs/petitioners are members of Madurai Bar. They have associated with an association called 'Victoria Edward Hall' (Fourth respondent), its Secretary being fifth respondent. There were some smoke to send the petitioners out of the 4th defendant. Their membership in 4th defendant was at stake.

3.In the circumstances, they rushed to the Vacation Civil Court, Madurai filing the suit in O.S.No.489 of 2015 mainly to safeguard their membership as against the proposed action by the Victoria



Edward Hall. They have also filed I.A.No.58 of 2015 in which, the impugned order has been passed.

4.The learned counsel for the petitioners/plaintiffs would submit that because of the impugned order their very status as members has become an issue.

5.The learned counsel appearing for defendant Nos.4 and 5 submitted that the petitioners were already removed, relief sought for in I.A and the civil miscellaneous appeal has become infructuous.

6.Thus, they are focusing their attention on the continuance of their membership in the Victoria Edward Hall. Incidentally, they have also filed I.A.No.527 of 2015 in the said suit to achieve their said purpose.

7.The learned counsel for the petitioners/plaintiffs would submit that unless they challenge the impugned order, the Victoria Edward Hall will be embolden to say that the petitioners have given up their fight. They cannot challenge.

8.In reply, the learned counsel appearing for the defendant Nos.4 and 5 would submit that the Victoria Edward Hall would not take such a stand. It will always open to the petitioners to challenge their removal. The Victoria Edward Hall will not take umbrage under the impugned order and scuttle their defence on that score.

9.The said submission of the learned counsel for defendant Nos. 4 and 5, is recorded.

10.Accordingly, the civil miscellaneous appeal is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To:

- 1.The Principal District Judge, Madurai.
- 2.The III Additional Subordinate Judge, Madurai.

+!cc to Mr.T.R.Subramanian, Advocate Sr.No.54437
+!cc to Mr.T.Antony Arul Raj, Advocate Sr.No.54471

akm/16.09.2015 /2p-5c/

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