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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 09.03.2018
CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP(PD)No.1075 of 2016
and
CMP.No.5922 of 2016

1.V.Devarajan
2.R.Gopalakrishnan
3.P.D.Venkatesan

... Petitioners

Vs.

1.Syed Jabarullah
2.V.Jayavelan

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India for striking down the plaint filed in O.S.No.350 of 2012 on the file of the Court of the Additional District Munsif at Alandur.

For Petitioners : Mr.R.Vasudevan
For Respondents : Mr.S.Sivakumar

O R D E R

This Civil Revision Petition has been filed to strike down the plaint filed in O.S.No.350 of 2012 on the file of the Court of the Additional District Munsif at Alandur.

2.The petitioners have filed the Civil Revision petition, challenging the order passed in I.A.No.757 of 2012 by granting injunction under Order 39 Rule 1 of the Code of Civil Procedure.

3.According to the petitioners the petitioner's Association viz., English Electric Employees Welfare Association is an Association registered under Tamil Nadu Societies Registration Act, 1975 and the same is governed by the Rules and By-Laws of the Act. Under the provisions of the Act, the administration and functioning of the Association are administered by the Registrar of Societies and if at all the petitioners are entitled for the relief sought for in the suit, the petitioners can approach the Registrar of Societies and the Civil Court has no jurisdiction to decide the issues involved in the suit. Hence, the said suit is not maintainable before the Civil Court.



4. At the time of admission, this Court granted an Interim stay, by consent of parties, now, it is contended that the suit is of the year 2012, therefore, prayed this Court to pass an order to dispose of the suit at the earliest.

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5. By considering the above said facts and the contentions of the revision petitioners, without expressing any opinion on merits of the case, at this stage, both the parties are directed to maintain the status quo till the disposal of the suit.

6. The contention raised by the petitioner to maintain the suit and objections of the respondents has been considered at the time of the trial of the suit. This Court directed the learned Additional District Munsif, Alandur to dispose of the suit in O.S.No.350 of 2015 as expeditiously as possible in accordance with law, preferably, on or before 30.07.2018.

7. Accordingly, the Civil Revision Petition stands disposed of. Both the parties undertake to maintain the status quo till the disposal of the suit. No costs. Consequently, the connected Miscellaneous Petition is closed.

ah

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To
The Additional District Munsif,
Alandur.

+1cc to Mr.T.Susindran, Advocate Sr.No.18247
+1cc to Mr.S.Sivakumar, Advocate Sr.No.18178

KS (CO)
sm:6.6.2018

CRP (PD) No.1075 of 2016