

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2016

CORAM

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR

C.R.P (PD) No.1141 of 2015

and

M.P.No.1 of 2015

P.A.Michael Raajkumar

... Petitioner

vs.

Vincent Paul
S/o.Paul Purushothaman
Secretary and Chief Functionary
Paul's Indian Global Mission
No.544, Anna Street
Kathirvedu, Chennai - 66

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 23.12.2014 passed by the Sub Court at Poonamallee in I.A.No.902/2014 in O.S.No.229 of 2010.

For Petitioner : Mr.T.Dhanasekaran

For Respondent : Mr.O.Padmaprakashf

ORDER

Heard both sides.

2. The sole defendant in the original suit is the petitioner in the civil revision petition. The plaintiff, in his capacity as Secretary and Chief Functionary of Paul's Indian Global Mission, a registered society, filed the

above said suit O.S.No.229/2010 on the file of Sub Court, Tiruvallur for a direction to the revision petitioner herein/defendant to vacate the suit property and hand over vacant possession of the same to the respondent herein/plaintiff and for cost.

3. The suit is resisted on the ground that the respondent is not at all a member of the Society and hence the suit is not maintainable. In addition, it is also contended by the revision petitioner/defendant that he had not resigned as Secretary of the above said Society and even if such a resignation could have been tendered, it was not accepted by the society in its general body meeting and that the respondent/plaintiff was not competent to accept the resignation, if any tendered by the revision petitioner/defendant.

4. When the same was put to the respondent while he was cross examined as PW-1, he asserted that the resignation of the revision petitioner/defendant was accepted duly by the Society in its general body meeting held on 28.11.2008. Since the same is disputed and his position as a member of the Society is also disputed, he filed an application in I.A.No.902/2014 for issuance of summons to the Registrar of Societies to produce the returns filed relating to the annual general body meeting of Paul's Indian Global Mission held on 28.11.2008. The revision petitioner/defendant cannot have any valid objection for issuance of such summons for the production of the documents to the Registrar of Societies. On service of such summons, the Registrar of Societies shall cause production of the original or a duly certified copy of the same and the same will be a proper compliance of the summons. That being so, the revision petitioner has no justification in opposing such an application and filing the present civil revision challenging

the order of the trial court allowing the said application I.A.No.902/2014. The order passed by the trial court, which is impugned in this revision, cannot be interfered with by this court in exercise of its power of superintendence under Article 227 of the Constitution of India. There is no merit in the revision and the same deserves dismissal.

In the result, the civil revision petition is dismissed. However, there shall be no order as to cost. Consequently, the connected miscellaneous petition is closed.

01.04.2016

Index : Yes/No
Internet : Yes
asr

To

The Subordinate Judge, Poonamallee

P.R.SHIVAKUMAR, J.
asr/-

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