

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **22.09.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.3000 of 2016 and
CMP.No.15124 of 2016

1.Tirupur Exporter's Association
A Registered Society,
Represented by its Secretary,
B.Shanmugasundaram
"TEA Building" No.62, Apache Nagar Main Road,
Kongu Nagar, Tirupur 641 607.

2.B.Shanmugasundaram

...Petitioners

versus

1.CBC Fashions (Asia) Pvt. Ltd.,
Rep. by its Managing Director
Shri T.R.Vijayakumar
No.11, M.R.Nagar, KNP Colony Post,
Dharapuram Road, Tirupur - 641 608.

2.The Registrar,
Registrar of Societies,
Tirupur.

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to strike off the plaint in O.S.No.225 of 2016 on the file of the Principal District Judge, Tirupur.

For Petitioners : Ms.Ananda Gomathy

ORDER

The petitioners have come up with this Civil Revision Petition to invoke the supervisory jurisdiction of this Court to strike off the plaint in O.S.No.225 of 2016 on the file of the learned Principal District Judge, Tiruppur.

2. The learned counsel for the petitioners submitted that the very suit filed before the District Court, Tiruppur is legally not maintainable. According to the learned counsel, notwithstanding the legal position that the Court shall not interfere in the election process, the learned Judge entertained the suit and issued notice in the injunction application returnable by 27.09.2016. The learned counsel submitted that the election itself is scheduled to be held on 27.09.2016 and as such, the learned Trial Judge was not correct in fixing the date of hearing on the date of election.

3. The suit in O.S.No.225 of 2016 was filed by the respondents before the District Court, Tiruppur, praying for certain reliefs, including, appointment of a Court Officer to verify the records of life members and remove the members, who ceased to be in the membership of the Society. It is also a matter of record that the respondents filed an application for injunction to restrain the petitioners from conducting the

election on 27.09.2016. The learned District Judge appears to have issued notice to the petitioners herein and posted the matter on 27.09.2016.

4. The petitioners have got an alternative remedy of approaching the Trial Court under Order VII Rule 11 of the Code of Civil Procedure. Without exhausting the said remedy, the petitioners rushed to this Court by invoking the jurisdiction under Article 227 of the Constitution of India. I am therefore of the view that the petitioners should approach the Trial Court at the first instance.

5. There is merit in the contention taken by the learned counsel for the petitioners that in view of the election proposed to be conducted on 27.09.2016, the learned Judge ought to have heard the interlocutory application well before the election date.

6. The learned District Judge, Tiruppur, is directed to pre-pone the hearing of the application from 27.09.2016 to 26.09.2016. The injunction application shall be heard and disposed of on the very same day, in view of the urgency pleaded by the petitioners and taking into account the fact that arrangements have already been made for

conducting the election on 27.09.2016. The learned trial Judge on receipt of a copy of this order shall issue notice to both sides to appear before the Court and argue the matter on 26.09.2016.

7.The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

22.09.2016

Index : Yes/No

Note : Issue order copy today (22.09.2016)

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To

The Principal District Court, Tiruppur

K.K.SASIDHARAN, J.

(svki)

C.R.P.(P.D.) No.3000 of 2016

22.09.2016