

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 16TH DAY OF SEPTEMBER 2016

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

O.A.No.795 of 2016

in

C.S.No.662 of 2016

Mrs.Vidya Chetan,
W/o.Chetan Shelat,
No.780, Poonamallee High Road,
First Floor, Kilpauk,
Chennai 600 010.

..Applicant/Plaintiff

-Versus-

The Dakshina Gujarathi Khedawal Samaj
(Regd. No.271/1985)
(mota utara)
"Sriniketan",
375/185, Mint Street,
Chennai 600 003,
represented its President

..Respondent/Defendant

Original Application praying that this Hon'ble Court be pleased to pass an order of ex-parte ad-interim injunction restraining the respondent, its office bearers, agents and servants from in any manner convening or conducting the annual General body meeting of the respondent on 18.09.2016 at 10.30 a.m at No.375/185, Mint Street, Chennai-600 003, in the manner spelt out in the notice dated 19.08.2016 or in any other manner conducting the Annual General Body Meeting of the Respondent on any other subsequent date or at any other venue, pending disposal of the suit.

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

This Original Application is filed seeking for the following relief:

"To pass an order of exparte ad-interim injunction restraining the respondent, its office bearers, agents and servants from in any manner convening or conducting the Annual general body Meeting of the Respondent on 18.09.2016 at 10.30 a.m. at No.375/185, Mint Street, Chennai - 600 003, in the manner spelt out in the notice dated 19.08.2016 or in any other manner conducting the Annual general Body Meeting of the respondent on any other subsequent date or any other venue, pending disposal of the suit."

2. The above interim relief is sought for pending decision of the said Suit seeking for the following relief:

"A. Declaring that the notice dated 19.08.2016 issued by the defendant for convening the Annual general Body Meeting on 18.09.2016 at 10.30 a.m. at No.375/185, Mint Street, Chennai - 600 003, as invalid, illegal, non-est and against the Constitution and Bye laws of the defendant;

B. Permanent injunction restraining the defendants, its office bearers, agents and servants from in any manner convening or conducting the Annual General Body Meeting of the defendant on 18.09.2016 at 10.30 a.m. at No.375/185, Mint Street, Chennai - 600 003, in the manner spelt out in

the notice dated 19.08.2016 or in any manner conducting the Annual General Body Meeting or on any other subsequent date or any other venue;

C. costs of the suit."

3. Heard Mr.N.L.Raja, the learned senior counsel appearing for the applicant/plaintiff and Mr.K.Hari Shankar, the learned counsel appearing for the respondent/defendant.

4. The grievance of the applicant/ plaintiff is that the defendant Samaj, while conducting the election to the Board, is not permitting the women members to participate in the election process and such conduct of the defendant is opposed to various provisions of bye-laws and the right of the women members to participate in the election. Therefore, the above said suit is filed with the interim reliefs as stated above.

5. On the other hand, learned counsel appearing for the respondent/ defendant submitted that from the year 2010, the women members are not permitted to take part in the election and therefore, filing of the present suit itself is misconceived.

⁶ It is an admitted fact that another suit in
<https://hcservices.ecourts.gov.in/hcservices/>
O.S.No.1048 of 2011 is pending before the City civil Court,

Madras, which is comprehensive in nature, where the relief of declaration to declare the resolution passed by the Board of Administrators dated 17.10.2010, prohibiting the women members from attending the Board of Administrators, is sought for. Therefore, unless and until the said Suit is decided, the applicant herein cannot seek for participation of women members in the Annual General Body Meeting to be held on 18.09.2016 by filing a parallel suit viz., the present one. Needless to say that when already a comprehensive Suit is filed challenging the resolution said to have been passed by the Board of Administrators dated 17.10.2010, prohibiting women members from attending the Board of Administrators meeting and that the said suit is pending, any election conducted to the Board and the decision made by the Board thereafter in the meantime, are always subject to the result of the said suit in O.S.No.1048 of 2011. Hence, I am of the considered view that the interim relief sought for in the present suit cannot be granted. Accordingly, this application is disposed of, only with an observation that the election to be conducted to the Board on 18.09.2016 and the decisions made by the elected Board thereafter are subject to the result of the Suit, which is pending before the City Civil Court in O.S.No.1048 of 2011.

7. Since the said Suit is pending from 2011 before

the City Civil Court, Madras, the concerned Court namely,

<https://hcservices.ecourts.gov.in/hcservices/>

5th City Civil Court, Madras, is directed to dispose of the

said Suit on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

Sd/K.R.C.B.J

16.09.2016

//Certified to be a true copy//

Dated this the day of 2016

S.s/04.10.2016

COURT OFFICER

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



WEB COPY