

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2017

CORAM

THE HON'BLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP.(NPD). No.1932 of 2017

and

CMP.No.9300 of 2017

P.Perumal

..Petitioner

Vs.

1.L.Kumaran

2.Rotary International District 3230,
Represented by its District Governor,
HM(91), Moore Street,
Chennai – 600 001.

3.Natarajan Nagoji
HM(91), Moore Street,
Chennai – 600 001.

4.Rotary Club of Maraimalai Nagar,
Represented by its secretary,

5.P.Vijayram

6.C.R.Raju

7.R.Ramesh

8.S.Baskaran

9.R.Govindhan

..Respondents

PRAYER:

Civil Revision Petition is filed under Article 227 of Constitution of India to direct the Additional Sub-Judge, Chengalpet to taken on the Transpose Application filed in I.A.S.R.No.314/2017 in O.S.No.142/2016,

and to number the said application and dispose the same on merits.

For petitioner :Mr.V.Sathish

ORDER

The fourth defendant has filed an application in I.A.Sr.No.314 of 2017 in O.S.No.142 of 2016 on the file of the Additional Sub Court, Chengalpet under Order 23 Rule 1A of the Civil Procedure Code to transpose him from the status of the fourth defendant to the position of the second plaintiff in the said suit.

2. According to the learned counsel for the petitioner, the first respondent and two others were expelled from the fourth respondent club. Pursuant to that, the first respondent filed a suit in O.S.No.142 of 2016 challenging the expulsion order and obtained an ex parte interim injunction against the respondents 4, 7 to 9. But the respondents 7 to 9 herein, by abusing their official position in the club registered the names of the above said two terminated members, admitted the expelled plaintiff / the first respondent herein on 09.12.2016 without the knowledge of the other members and the same is violation of the interim

order. Thereafter, the first respondent in collusion with the respondents 7 to 9, in order to facilitate himself to re-join the club, as the purpose of filing the suit was achieved, the plaintiff / first respondent herein withdrew the suit as not pressed on 23.01.2017. At this stage, the fourth defendant / petitioner herein preferred a Transpose Application in I.A.Sr.No.314 of 2017 in the above said suit seeking to transpose himself as the second plaintiff from the 4th Defendant in the suit. But, the said application has been returned with an endorsement, return the application on the ground of maintainability. Hence, the petitioner has filed the present Civil Revision Petition before this Court.

3. Heard, the submissions made by the learned counsel for the petitioner and perused the materials available on record.

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4. The aforesaid fact clearly shows that the first respondent filed the main suit challenging the termination of the membership of the first respondent. But subsequently, the said suit was dismissed as withdrawn. So, the petitioner has filed the

present application to transpose him as the second plaintiff from the status of fourth defendant in the above suit. It is seen that the petitioner has filed an application in I.A.No.SR.No.314/2017 under Order 23 Rule 1A of the Civil Procedure Code. In view of the subsequent event, nature and character of the suit would be changed, the petitioner cannot seek relief in the present suit filed by the first respondent.

5. Therefore, the present application filed by the petitioner is not maintainable. Hence, there is no error or illegality in the order passed by the court below. However, it is for the petitioner to work out his remedy before appropriate forum.

6. With the above views, the Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

19.06.2017

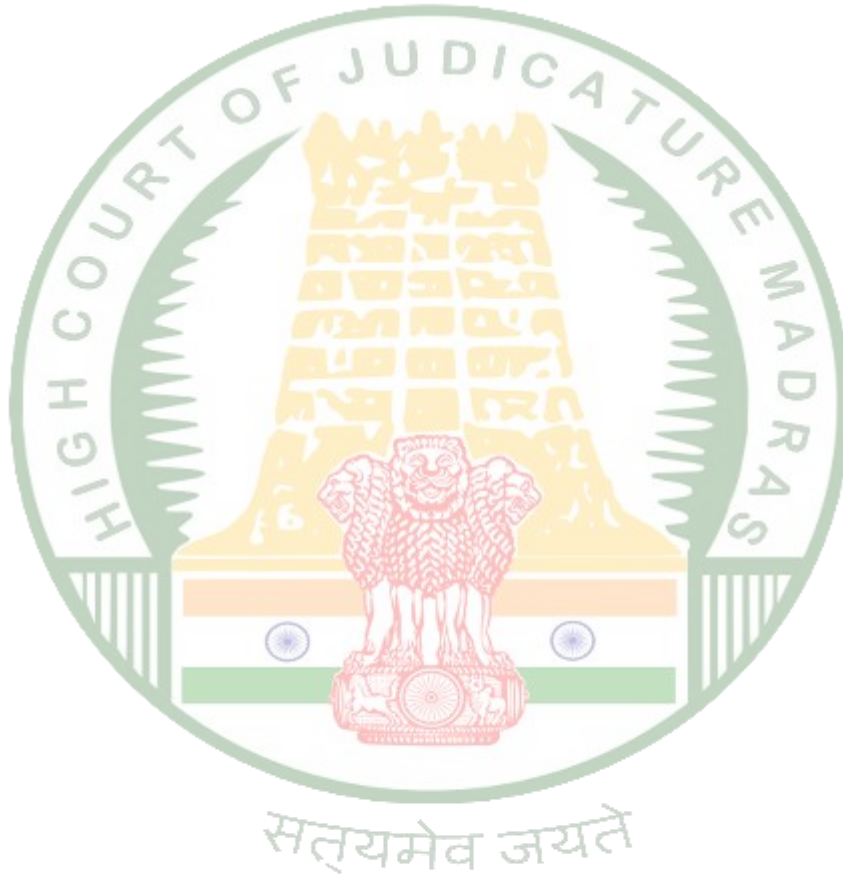
Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

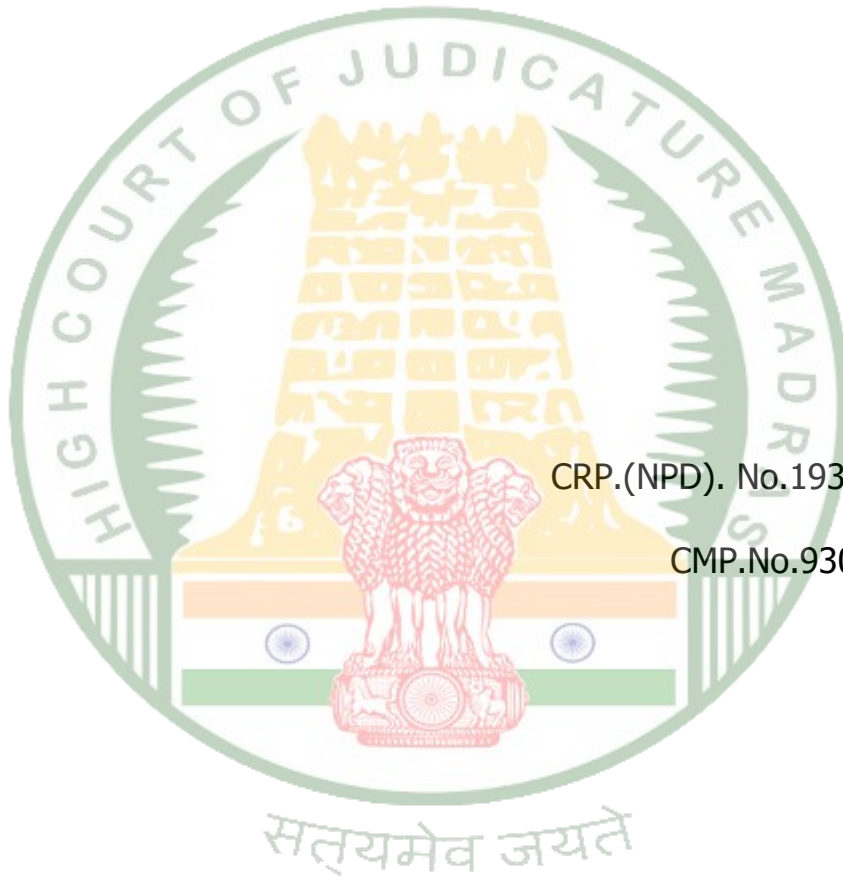
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To
The Additional Sub Court,
Chengalpet



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