

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.10.2017

Coram

THE HON'BLE MR.JUSTICE RAJIV SHAKDER
&
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

O.S.A.No.268 of 2017
and C.M.P.No.17382 of 2017

Madras Gymkhana Club
Rep. By its Secretary
Having its office at
No.1, The Island Grounds
Anna Salai, Chennai - 600 002. Appellant

Vs.

- 1.Colonel Dr.Edwin Jesudoss (Retd)
Victor Evelyn Heritage
8, Theruveedian Street
Gopalapuram, Chennai - 600 086.
- 2.Major General Jose Manavalan (reted)
Oceanic 1604, Hiranandavi Upscale
Rajiv Gandhi Salai
Egattur, Chennai - 600 130.
- 3.Commodore ThayiHari (reted)
81, Kumarrappa Street,
Nungambakkam, Chennai - 600 034.
- 4.Surgeon CommandarSalim J. Thomas (Retd)
41, Ethiraj Salai, Egmore
Chennai - 600 008.
- 5.Colonel K Malaiappan (Retd)
Green Gardens, 389/2, "L" Block
Anna Nagar East, Chennai - 600 102.
- 6.Captain R Sivasailam, IAS (Retd)
14/2, Venus Colony First Street,
Alwarpet, Chennai - 600 018.
- 7.Ex-Officio Patron of the Club
Madras Cymkhana Club
(General Officer of Commanding)

...Respondents

Appeal filed under Order XXXVI Rule II of the O.S.Rules r/w Clause 15 of the Letters Patent, against the order dated 12.09.2017 made in A.No.6496 of 2016 in C.S.No.718 of 2016.

For Appellant : Mr.P.H.Aravind Pandian, Senior Counsel
for Mr.M.S.Raja Sekhar

For Respondents : Mr.S.S.Rajesh

JUDGMENT

(Judgment of the Court was delivered by RAJIV SHAKDER, J)

1. This is an appeal, which is connected with O.S.A.No.267 of 2017, in which, we have passed an order today with the consent of counsel for the parties. Insofar as the captioned appeal is concerned, it emanates from a common judgment and order.

2. The apprehension of the appellant is that, though, the learned Single Judge has restricted the right of the applicants/plaintiffs, to represent, only Garrison Members (retired), since the prayer in the application (i.e., A.No.6496 of 2016), has a much larger scope it may cause difficulties for the appellant in future, as an attempt could be made to represent Garrison Members as well.

3. Mr.S.S.Rajesh, who appears for the respondents/plaintiffs says that since the learned Single Judge has observed in paragraph No.12 of the impugned judgment and order that the right of the respondents/plaintiffs is restricted only to Garrison Members (retired), the respondents/plaintiffs do not intend to agitate to the contrary before the learned Single Judge, which is, that they would represent the Garrison Members as well.

4. Mr.Aravind Pandian, who appears for the appellant, says that having heard the submission made by the counsel for the respondents/plaintiffs, he has instructions not to press the appeal in further.

5. The appeal is, accordingly, disposed of based on the statement made by the counsel for the respondents/plaintiffs. Consequently, connected pending application shall stand closed. There shall, however, be no order as to costs.

Sd/-
Asst.Registrar (CS VIII)

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Sub Asst. Registrar

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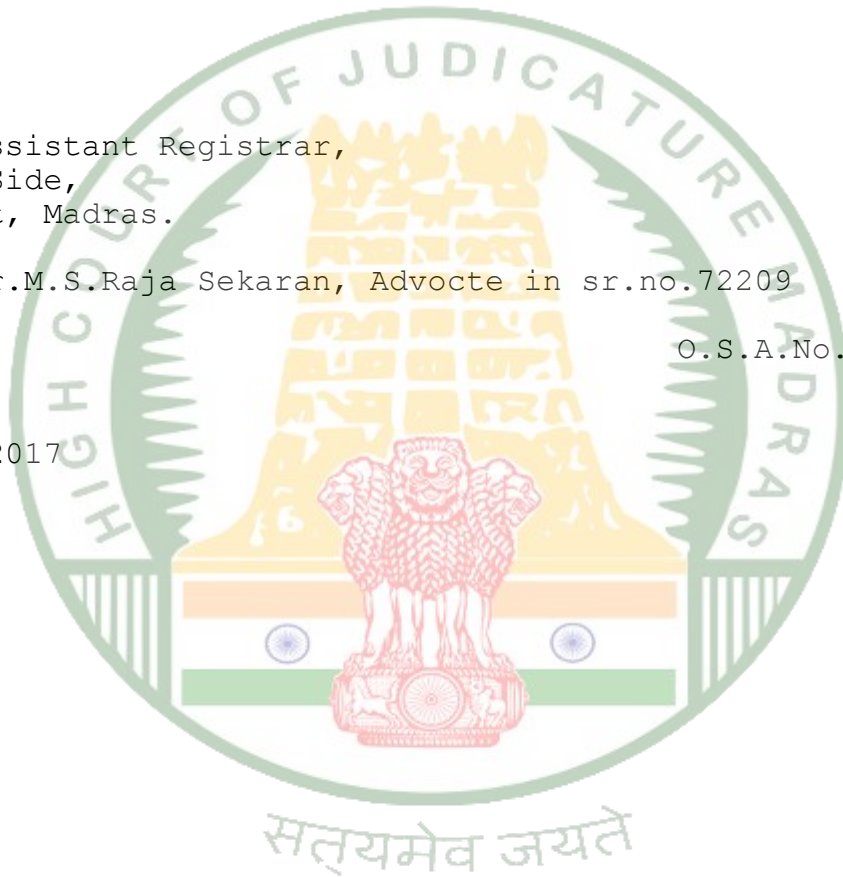
To:

The Sub Assistant Registrar,
Original Side,
High Court, Madras.

+1cc to Mr.M.S.Raja Sekaran, Advocte in sr.no.72209

O.S.A.No.268 of 2017

NRI (CO)
NR 10/11/2017



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