



WEB COPY

For Appellants : Mr.T.Lajapathi Roy
For R2 : Mr.V.Muruganandham
Addl. Govt. Pleader

JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM,J]

Heard Mr.T.Lajapathi Roy, learned counsel appearing for the appellant and Mr.V.Muruganandham, learned Additional Government Pleader appearing for the second respondent.

2.The appellant is aggrieved by an ex-parte interim injunction granted, in W.M.P(MD)No.7758 of 2017 in W.P(MD)No.10116 of 2017, by the Writ Court, for a period of four weeks while ordering notice of motion in the writ petition.

3.The learned counsel for the appellant would submit that the reason for filing of this appeal as the writ petition is an abuse of process of Court adopted by the first respondent/writ petitioner, by suppressing the filing of the Civil Suit before the Vacation Court in O.S.No.70 of 2017 and new O.S.No.126 of 2017 on the file of the District Munsif Court, Nagercoil, wherein, the first respondent/writ petitioner sought for an identical relief and having failed to obtain an interim order and suppressing the filing of O.S.No.70 of 2017, the respondent/writ petitioner obtained an ex-parte interim injunction before this Court. Further, it is submitted that the writ petition is not maintainable in the light of the decision of the Hon'ble Full Bench, in the case of C.M.S.Evangelical Suvi David vs. District Registrar case reported in 2005(2) CTC 161. Further, it is submitted that the relief sought for by the writ petitioner cannot be granted by the Writ Court as it pertains to an Administration of a Society registered under the provisions of Tamil Nadu Societies Registration Act. Further, it is submitted that no reasons had been assigned by the writ Court for granting an order of interim injunction.

4.On perusal of the interim order, we find that the writ Court did not assign any reason while granting interim order. Furthermore, it is not clear as to whether the Court was aware of the fact that the dispute pertaining to internal administration/share-holding between members of the Society. Taking note of the fact that the application for interim injunction is still pending before the writ Court and as of now <https://hcservices.ecourts.gov.in/hcservices/> is not in force, Registry is directed to list the writ petition in W.P(MD)No.10116 of 2017 and W.M.P(MD)No.7758 of 2017 before the appropriate Bench on 04.07.2017.



5. With the above direction, the appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

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Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar.

To

The District Registrar,
Nagercoil,
Kanyakumari District.

+1CC to M/S.T.Lajapathi Roy, Advocate, SR.No. 62210
+1CC to the Special Government Pleader SR.No. 62694

W.A (MD) No. 825 of 2017

and

C.M.P (MD) No. 5688 of 2017

am/lis

AM/SV MMS/SAR 3/29.06.2017/3P/4C