

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

CIVIL REVISION PETITION No.2208 of 2012

ORDER:

The present revision is filed, under Article 227 of the Constitution of India, against the maintainability of O.S.No.355 of 2012 on the file of the learned Principal Junior Civil Judge, Vijayawada.

Heard the learned counsel for the petitioner and perused the material available before the Court.

The first respondent herein instituted the said suit for permanent injunction restraining the defendants from alienating and transferring the first defendant-Society as a whole or their individual membership; for declaration that the resolution passed by the first defendant in its General Body meeting dated 13.01.2011 particularly, amendments made to rules and regulations, dissolving the then existing Executive Committee, and electing defendant Nos.2 to 10 as their Executive Committee, as neither legal nor valid nor tenable and not binding on the members of the first defendant-Society; for mandatory injunction, directing the Society elected in September, 2009 to conduct elections to the first defendant as per the rules and regulations of the first defendant; for permanent injunction restraining the defendants from alienating the first defendant-Society as a whole and its assets or from alienating their memberships; and for costs.

By way of the present revision, the petitioner, who is the first defendant in the suit, seeks to assail the very maintainability of the suit before the Court below relying upon Section 23 of the A.P.Societies Registration Act, 2001 (for brevity, 'the Act'). According to the learned counsel for the petitioner, the Court of the learned Junior Civil Judge does not have jurisdiction to entertain the suit and only the Court of the learned District Judge has the jurisdiction under Section 23 of the Act. In the considered opinion of this Court, these grounds can be pressed into service by the petitioner herein by filing an application under Order VII Rule 11 CPC but not by way of filing the present revision and the present revision, without availing the said remedy, in the considered opinion of this Court, is not maintainable before this Court.

For the aforesaid reasons, the Civil Revision Petition is dismissed, keeping it open for the petitioner to avail the remedy open as per law.

Miscellaneous petitions, if any, shall also stand dismissed. There shall be no order as to costs.

A.V.SESHA SAI, J

03rd August, 2017

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