

HON'BLE SRI JUSTICE S.V. BHATT

C.R.P.No.1837 OF 2017

ORDER:

Heard Mr.S.Satyanarayana Prasad, learned senior counsel for petitioners and Mr.M.Sikanth for respondent.

The respondents in SO.P.No.18 of 2017 in the Court of the VI Additional District Judge, Kurnool are the revision petitioners.

The petitioners herein assailed order in I.A.No.30 of 2017. The learned VI Additional District Judge, Kurnool through order impugned in the revision allowed I.A.No.30 of 2017. The order impugned in the revision has been assailed on various legal and factual grounds. One of the grounds raised is that the frame of SO.P.No.18 of 2017 or for that matter the array of parties in I.A.No.30 of 2017 does not satisfy the requirements of law. Explaining the contention, it is canvassed that the respondent herein claims to be aggrieved by a decision taken by Akhila Bharatiya Brahmana Karivena Nityannadana Satram (for short 'satram') through its resolution dated 17.01.2017. Akhila Bharatiya Brahmana Karivena Nityannadana Satram is a society registered under the Societies Registration Act. The certificate of registration was issued to satram on 28.08.1974. The petitioner once accepts that a resolution was passed by the committee on 17.01.2017 cannot and could not continue to claim as President of the satram and file SO.P.No.18 of 2017 as President of society against the members who have participated in the meeting and have taken the decision dated 17.01.2017. Likewise, for working out any relief or canvassing the

grievance, the presence of satram is both proper and necessary. The S.O.P as filed does not conform to the above requirement. In other words, the objection raised is that a society can either sue or be sued in its name represented by person authorized in this behalf. After going through the cause title in S.O.P as well as I.A, this Court is of the view that the objection raised is *prima facie* tenable.

Mr.M.Srikanth, appearing for respondent, submits that instead of continuing the *lis* with a defect - whether it is curable or incurable in the fitness of things, he submits that it is desirable that proper steps are taken as regards frame of S.O.P and also implead proper and necessary parties in this behalf. He submits that the order impugned can be set aside and the matter remanded to trial Court for consideration afresh.

Hence, the following order.

The order impugned in the revision is set aside. I.A. is remitted to the Court below for re-consideration and disposal in accordance with law. After remand, if parties file applications for prayers, the trial Court is free to examine the prayers and dispose of the prayers in accordance with law. The counsel for respondent further submits that if the amendment to S.O.P is carried out, the objections are required to be considered afresh by the learned VI Additional District Judge and requests the Court to direct the Court below to consider the case of respondent as well as revision petitioners and the party to be impleaded independently and pass orders. The request of learned counsel is placed on record. This Court is of the view that once the I.A is remanded, the trial Court will certainly

proceed in accordance with law from the material available on record and in the presence of all the parties.

The revision is, accordingly, allowed as indicated above.
There shall be no order as costs.

Consequently, pending miscellaneous petitions, if any, stand closed.

S.V.BHATT, J

07th June, 2017

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