

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 04th DAY OF APRIL 2018

THE HON'BLE MR.JUSTICE N.SATHISHKUMAR

O.A.1192 of 2017, O.A.Nos. 1030 to 1035 of 2017

in
C.S.No. 793 of 2017
and
O.A. Nos.775 & 776 of 2016,
A.No.4521 of 2016 & A.No.3255 of 2017
in
C.S. No.641 of 2016

C.S. No.641 of 2016, A.No.4521 of 2016:

1. V.S.Muthupandian
 2. S.Balakrishnan
 3. P.Ganesan
1 to 3 are at No.5,
4th Cross Street,
Shenoy Nagar East, Chennai 600 030
 4. L.Arumuga Pandian Nadar
No.18, 2nd Street, Venkateswara Nagar
Kottivakkam, Chennai 600 041.
 5. V.Ananda Selvan
No.3/138, East Coast Road,
Chennai 600 115.
- ... Applicants/Plaintiffs
(in O.A.Nos. 775 & 776 of 2018)

-Versus-

1. Nellai Thoothukudi Nadar
Mahamai Paripalana Sangam
Represented by its Secretary
2. Nellai Thoothukudi Nadar
Mahamai Paripalana Sangam
Educational Trust, rep. by its
General Secretary
1 & 2 are at No.22/488,
Pantheon Road, Egmore, Chennai 600 008.

No.28, Bharathi Salai,
Perambur, Chennai 600 011.

4. R.Chandran Jeyapal
S/o.P.Ramasamy Nadar,
387, K.H.Road, Otteri,
Chennai 600 012.
5. M.Marithangam
S/o.T.Muthusamy Nadar
No.15/1, Pudpet Garden Street,
Royapettah, Chennai 600 014.
6. Nellai Nadar Matriculation
Higher Secondary School
Rep. by its Correspondent,
No.3/590, Lakshmana Perumal Nagar,
Kottivakkam, Chennai 600 041.
7. A.M.Vikrama Raja,
S/o.Maharaja Nadar
No.3/590, Lakshmana Perumal Nagar,
Kottivakkam, Chennai 600 041. ... Respondents/Defendants
(in O.A.Nos. 775 & 776 of 2018)

O.A. No.775 of 2016:-

Original Application praying that this Hon'ble Court be pleased to restrain by interim injunction the respondent 3 to 5 from conducting Annual General Body Meeting scheduled to be held either on 11/09/2016 or on any other date pending disposal of this application.

O.A. No.776 of 2016:-

Original Application praying that this Hon'ble Court be pleased to grant interim injunction restrain the respondent 3 to 5 and 7 from acting as President, General Secretary and Treasurer of 1st respondent society and that of the office bearer of 2nd respondent trust and that 7th respondent acting as correspondent of the 6th respondent school pending disposal of this application.

A. No.4521 of 2016:-

<https://hcservices.ecourts.gov.in/hcservices> Application praying that this Hon'ble Court be pleased to appoint an interim administrator who can be a retired

Judge of this Hon'ble Court conferring upon the administrator all such powers as to bringing and defending suits and for the realisation, management, protection, preservation and improvement of the property of the society, the enrichment of the objectives constrained the bye laws of the first respondent society or such of those powers as the court may deem fit and proper given the facts and circumstances and to oversee the day to day affairs of the respondents 1, 2 & 6 pending elected body of office bearers of the 1st respondent society.

A.No. 3255 of 2017:-

1. K.Rahavan
No.11, Peddu Naicken Street,
Parktown, Chennai - 600 003.

2. P.Cholaraja,
No.28/153, Redhills Road North,
Villivakkam, Chennai - 600 049.

: Applicants/Proposed Defendants

-Vs.-

1. V.S.Muthupandian
Son of Samy Nadar

2. S.Balakrishnan
Son of Shanmugasundaram Nadar,

3. P.Ganesan
Son of Ponnaiah
R1 to R3 at No.5, 4th Cross Street,
Shenoy Nagar East, Chennai 600 030.

4. L.Arumuga Pandian
Son of Lakshmanasuyambulingam Nadar,
No.18, 2nd Street, Venkateswara Nagar
Kottivakkam, Chennai 600 041.

5. V.Ananda Selvan
Son of Vincent Nadar,
No.3/138, East Coast Road,
Chennai 600 115.

... Respondents/Plaintiffs

6. Nellai Thoothukudi Nadar
Paripalana Sangam
Represented by its Secretary

7. Nellai Thoothukudi Nadar
Mahamai, Paripalana Sangam
Educational Trust, rep. by its
General Secretary
1 & 2 are at No.22/488,
Pantheon Road,
Egmore, Chennai 600 008.
8. V.T.Pathmanaban
S/o.P.Thangaraj Nadar,
No.28, Bharathi Salai,
Perambur, Chennai 600 011.
9. R.Chandran Jeyapal
S/o.P.Ramasamy Nadar,
387, K.H.Road, Otteri,
Chennai 600 012.
10. M.Marithangam
S/o.T.Muthusamy Nadar
No.15/1, Pudupet Garden Street,
Royapettah, Chennai 600 014.
11. Nellai Nadar Matriculation
Higher Secondary School
Rep. by its Correspondent,
No.3/590, Lakshmana Perumal Nagar,
Kottivakkam, Chennai 600 041.
12. A.M.Vikrama Raja,
S/o.Maharaja Nadar
No.3/590, Lakshmana Perumal Nagar,
Kottivakkam, Chennai 600 041. ... Respondents/Defendants

Application praying that this Hon'ble Court be pleased to implead these applicants/third parties in the above suit and array them as 8th and 9th defendants.

C.S.No.793 of 2017:

O.A.Nos. 1030 to 1035 of 2017

and

O.A.No.1192 of 2017

A.M.Vikramaraja
No.14, Kannigapuram,
K.K.Nagar, Chennai 600 078.

: Applicant/Plaintiff

Rep.by its Secretary
No.22, (Old No.488), Pantheon Salai,
Egmore, Chennai 600 008.

2. V.T.Pathmanaban Nadar
S/o. V.Thangaraj Nadar
President
Nellai Thoothukudi Nadar Mahamai Paripalana Sangam
Residing at No.28, Bharathi Salai,
Perambur, Chennai 600 011.

3. R.Chandran Jayapal Nadar
S/o. P.Ramasamy Nadar
Secretary
Nellai Thoothukudi Nadar Mahamai Paripalana Sangam
Residing at No.387, K.H.Road
Otteri, Chennai 600 012.

4. M.Marithangam Nadar
S/o. T.Muthusamy Nadar
Treasurer
Nellai Thoothukudi Nadar Mahamai Paripalana Sangam
Residing at No.15/1, Pudupet Garden Street,
Royapettah, Chennai 600 014. : Respondents/Defendants

O.A.No.1030 of 2017:

Original Application praying that this Hon'ble Court be pleased to pass an order of interim injunction restraining the respondent from enforcing the interim suspension of the Applicant/Plaintiff from the basis member of the 1st defendant Sangam as communicated by the 1st defendant in its letter dated 02.10.2017, pending disposal of the above suit.

O.A.No.1031 of 2017:

Original Application praying that this Hon'ble Court be pleased to pass an order of interim injunction restraining the defendants, their agents, servants, men, or anyone claiming under or through them from terminating the membership of the plaintiff in the 1st defendant Sangam and/or interfering with the Applicant/Plaintiff's functioning as Member of the 1st Respondent/1st Defendant Sangam, pending disposal of the above suit.

O.A.No.1032 of 2017:

Original Application praying that this Hon'ble Court be pleased to pass an order of interim injunction restraining the respondents 1-4/Defendants 2-4, from functioning as Secretary, President and Treasurer respectively of the 1st Defendant Sangam as well as Office bearers of Nellai Nadar Matriculation Higher Secondary School and Ramachandras Public School (CBSE), pending disposal of the above suit.

O.A.No.1033 of 2017:

Original Application praying that this Hon'ble Court be pleased to pass an order of interim injunction restraining the Defendants, their agents, servants, men, or anyone claiming under or through them from indulging in malicious propaganda as against the Plaintiff or the persons connected with him through medias, such as Television, Whatsup, Face Book or by pasting posters etc. pending disposal of the above suit.

O.A.No.1034 of 2017

Original Application praying that this Hon'ble Court be pleased to pass an order of interim Mandatory injunction directing the 1st Defendant to conduct the election of the 1st Defendant Sangam after finalising the Voters List in accordance with the bye-laws and constitution of the 1st Defendant Sangam by appointment of a Retired High Court Judge as Administrator and to function as the administrator of the 1st Respondent/Defendant as well as Nellai Nadar Matriculation Higher Secondary School and Ramachandras Public School (CBSE), Kottivakkam, Chennai 600 041, pending disposal of the above suit.

O.A.No.1035 of 2017:

<https://hcservices.ecourts.gov.in/hcservices/> Original Application praying that this Hon'ble Court be pleased to appoint a Chartered Account firm to look into

the accounts of the 1st defendant Sangam including Nellai Nadar Matriculation Higher Secondary School and Ramachandrapuram Public School (CBSE), Kottivakkam, Chennai, pending disposal of the above suit.

O.A.No.1192 of 2017

Original Application praying that this Hon'ble Court be pleased to pass an order of interim injunction restraining the Respondents/Defendants or their agents, servants or anyone claiming under or through them from conducting and/or convening the election on 17.12.2017 at Paise Mahal, Egmore, Chennai 600 008 (Hotel Imperial Complex) pursuant to the paper publication made in "Dinathanthi" dated 06.11.2017, or any other subsequent date/dates without resolving the status of the 1st Respondent/1st Defendant, pending disposal of the above suit.

These applications coming on this day before this court for hearing, the court made the following order:

O.A.No.1192 of 2017 in C.S.No.793 of 2017

This application has been filed to issue interim injunction restraining the respondents/defendants from conducting and/or convening the election 17.12.2017 at Paise Mahal, Egmore, Chennai-8 (Hotel Imperial Complex) pursuant to the paper publication made in "Dinathanthi" dated 06.11.2017, or any other subsequent date/dates without resolving the status of the 1st respondent/1st defendant pending disposal of the above suit. It is brought to the notice that in the connected suit in C.S.No.641 of 2016, which is also posted today. As per the order of this Court in the above suit dated 6.11.2017, retired Judge of this Court Mr.Justice J.A.K.Sampath Kumar was appointed as Election Officer/Observer to conduct the elections for the 1st Defendant Sangam. The Election

Officer's interim report shows that the election originally notified on 17.12.2017 has been cancelled.

2. In view of the above, nothing survives in this application. Hence, this application is closed.

O.A.No.1033 of 2017 in C.S.No.793 of 2017

This application has been filed for granting interim injunction restraining the defendants from indulging in malicious propaganda as against the plaintiff or the persons connected with him through medias, such as Television, Whatsapp, Face Book or by passing Posters etc., pending disposal of the suit.

When the matter taken up, the Mr.T.V. Ramanujam, learned Senior Counsel appearing for D1 and D3 and Mr.R.Thiagarajan, learned counsel appearing for the applicant submitted that both the parties hereafter would not publish anything with regard to the matter which is subjudice. Recording their submissions, the applicant as well as Defendants 1 and 3 are restrained from publishing anything with the matter ceased off by this Court. With the above observation, this application is closed.

O.A.No.1034 of 2017 in C.S.No.793 of 2017

This application is filed for the direction to the first defendant to appoint a retired High Court Judge to conduct election of the 1st defendant sangam. As per the order of this Court in the suit in C.S.No.641 of 2016 dated 6.11.2017, retired Judge of this Court Mr.Justice J.A.K.SampathKumar was appointed as Election Officer/Observer to conduct the elections for the 1st Defendant Sangam.

In view of the fact that the Election Officer has already been appointed this application has become infructuous. Hence, this application is closed.

O.A.Nos.1030/2017, 1031/2017, 1032/2017,
1035/2017 in C.S.No.793 of 2017 and
O.A.No.775/2016, O.A.No.776/2016, A.No.4521/2016 and
A.No.3255/2017 in C.S.No.641 of 2016

List the O.A.No.1030/2017, O.A.No.1031/2017, O.A.No.1032/2017 and O.A.No.1035/2017 in C.S.No.793/2017 for argument on **05.04.2018 at 2.15 p.m.** Also list the applications in O.A.No.775/2016, O.A.No.776/2016, A.No.4521/2016 and A.No.3255 of 2017 in C.S.No.641 of 2016 on the same date and time.

Sd/.N.S.K.J

04.04.2018

//Certified to be a true copy//

Dated this the th day of 2018.

KY/20.08.2018

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.

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