

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2018

CORAM

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**

C.S.No.407 of 2017

and

O.A.Nos.549 to 556 of 2017

and

A.No.2942 of 2017

Shri Vallabhacharya Vidya Sabha
Rep. by its Executive Council, acting
Through its Secretary, Shri.Ramesh Bhatt

... Plaintiff

Vs.

1.Manoj Kumar Sonthalia
2.Hitesh Kanodia
3.Ashok Kedia
4.Ashok Kumar Mundhra
5.Hari Krishna Jhaver
6.Gopal Agarwal
7.Hari Shankar Agarwal
8.Kalyan Singh Mehta
9.K.K.Maheswari
10.S.S.Goenka
11.Srikumar Fomra
12.S.R.Damani
13.Vinay C.Parikh

... Defendants

Prayer: The Civil Suit has been filed under Order IV Rule 1 of the O.S.Rules read with Order VII Rule 1 of C.P.C. 1908,

(i) declaration that the election of members to the Executive Council of the Shri Vallabhacharya Vidya Sabha, allegedly on 23.01.2016 in the Annual General Meeting of the Shri V.V.Sabha, as

per the purported minutes of the AGM dated 23.01.2016, circulated by the first defendant along with his letter dated 21.01.2017, as sham and nominal, null and void, void abinitio, and not binding on the plaintiff Shri.V.V.Sabha and its members.

(ii)for permanent injunction restraining the defendants from discharging / functioning as Executive Council Members pursuant to the alleged election held on 23.01.2016 for the Executive Council of the Shri Vallabhacharya Vidya Sabha, in the Annual General Meeting of the Shri V.V.Sabha, as per the purported minutes of the AGM dated 23.01.2016, circulated by the first defendant along with his letter dated 21.01.2017.

(iii)for declaration that the nomination of the defendants as the Office bearers of the Shri V.V.Sabha and its units in the Executive Council Meeting held on 26.11.2016, as per the purported minutes of the EC Meeting dated 26.11.2016, circulated by the first defendant on 20.12.2016, as sham and nominal, null & void, void abinitio and not binding on the plaintiff Shri.V.V.Sabha and its units.

(iv)for permanent injunction restraining the defendants from discharging / functioning as Office bearers of the Shri V.V.Sbha and its units, pursuant to the alleged nomination in the Executive Council of the Shri Vallabhacharya Vidya Sabha, on 26.11.2016, as per the purported minutes of the Executive Council meeting dated 26.11.2016 circulated by the first defendant along with the letter dated 20.12.2016.

(v)for declaration that the election to the Executive Council of the Shri.V.V.Sabha in the Extra-Ordinary General Meeting of the Shri V.V.Sabha, held on 30.01.2017 and attendant election of the office bearers of the Shri V.V.Sabha in the EC meeting dated 08.02.2017 of Shri V.V.Sabha and appointment of office bearers of units of Shri V.V.Sabha in the EC meeting dated 21.02.2017 of the plaintiff Sabha, as valid and binding on the defendants.

(vi)for permanent injunction restraining the defendants from preventing / interfering with the functioning / discharge of duties by the members of the Executive Council, office bearers of the Sabha and its units, respectively, elected on 30.01.2017, 08.02.2017 & 21.02.2017, respectively.

(vii)for permanent injunction restraining the defendants from holding the Annual General Body meeting of the plaintiff Sabha on 26.05.2017 or any other subsequent date.

(viii)for declaration that the appointment of the Shri Giridhari G.Shah as Secretary of the M.O.P. Vaishnav College, Nungambakkam, Chennai 600 034 by the Executive Council of the Shri V.V.Sabha in its meeting held on 21.02.2017 as valid and binding on the defendants.

(ix)for permanent injunction restraining the defendants, their men, servants, agents or anyone claiming under them or trust of them from any manner interfering with the discharge of functions of the office of Secretary of M.O.P. Vaishnav College for Women, Nungambakkam, Chennai 600 034, by Shri Giridhari G.Shah including

in any manner preventing or denying the access to the records, registers, books, accounts, Bank Accounts, Administrative Office and assets & properties of M.O.P.Vaishnav College for women, Nungambakkem, Chennai 600 034.

(x)for declaration that the appointment of the Shri Bipin Nanavathi as Secretary of the Kola Saraswathi Senior Secondary School, Chennai by the Executive Council of the Shri V.V.Sabha in its meeting held on 21.02.2017 as valid and binding on the defendants.

(xi)for permanent injunction restraining the defendants, their men, servants, agents or anyone claiming under them or trust of them from any manner interfering with the discharge of functions of the office of Secretary of Kola Saraswathi Senior Secondary School, Chennai by Shri.Bipin Nanavathi including in any manner preventing or denying the access to the records, registers, books, accounts, Bank Accounts, Administrative Office and assets & properties of Kola Saraswathi Senior Secondary School, Chennai.

(xii)declaration that all the amendments made to the Memorandum of Association of the Shri V.V.Sabha, by the Executive Council of the Shri V.V.Sabha, without following the procedure contained in the Tamil Nadu Societies Registration Act, 1975 including the resolution restricting the age of the Executive Council Members & Office Bearers of Sabha to 75 and 80, vide clause 13(a) & (b) of the Memorandum of Association of Shri V.V.Sabha, respectively pursuant to the Resolution passed under Item No.18 (b) of the Agenda under caption "any other matter" of the Executive Council Meeting held on

09.05.2015 as sham & nominal, illegal, null & void, void abinitio, and not binding on the plaintiff and its members.

(xiii)for declaration that the purported minutes of the Executive Council Meeting dated 23.01.2016 circulated on 16.11.2016 by the first defendant co-opting defendants 2 and 3 to the Executive Council of the Shri V.V.Sabha, as sham & nominal, null and void and not binding on the plaintiff as well as Shri V.V.sabha;

(xiv)for permanent injunction restraining the defendants 2 and 3 from functioning or discharging the duties as members of the Executive Council / Office bearers of the Shri V.V.Sabha and its units.

(xv)for mandatory injunction directing the defendants, their men, agents, servants or anyone claiming under him to hand over the minutes, records, parent documents, title deeds of the properties the plaintiff Sabha and its units and for costs.

For Plaintiff : Mr.K.Shakespeare

For Defendants : Mr.S.Vijayaraghavan

JUDGMENT

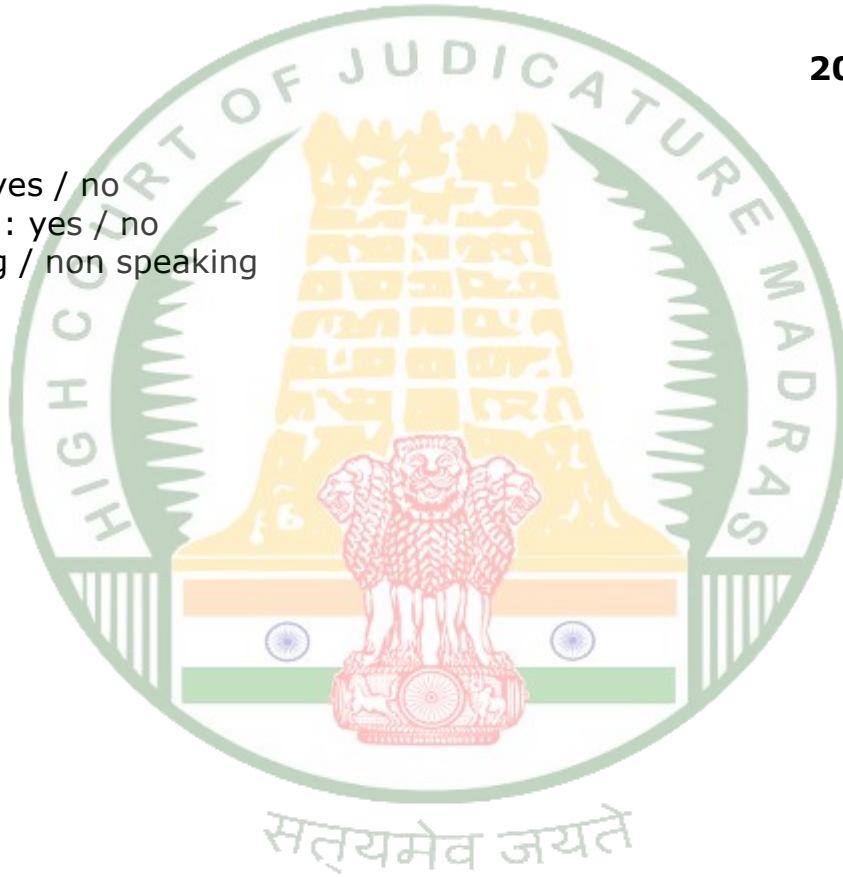
The learned counsel appearing for the plaintiff seeks permission of this court to withdraw this civil suit and he has also made an endorsement to that effect.

2. In view of the endorsement made by the learned counsel for the plaintiff, this Civil Suit stands dismissed as withdrawn. No costs. Consequently, connected applications are closed.

20.04.2018

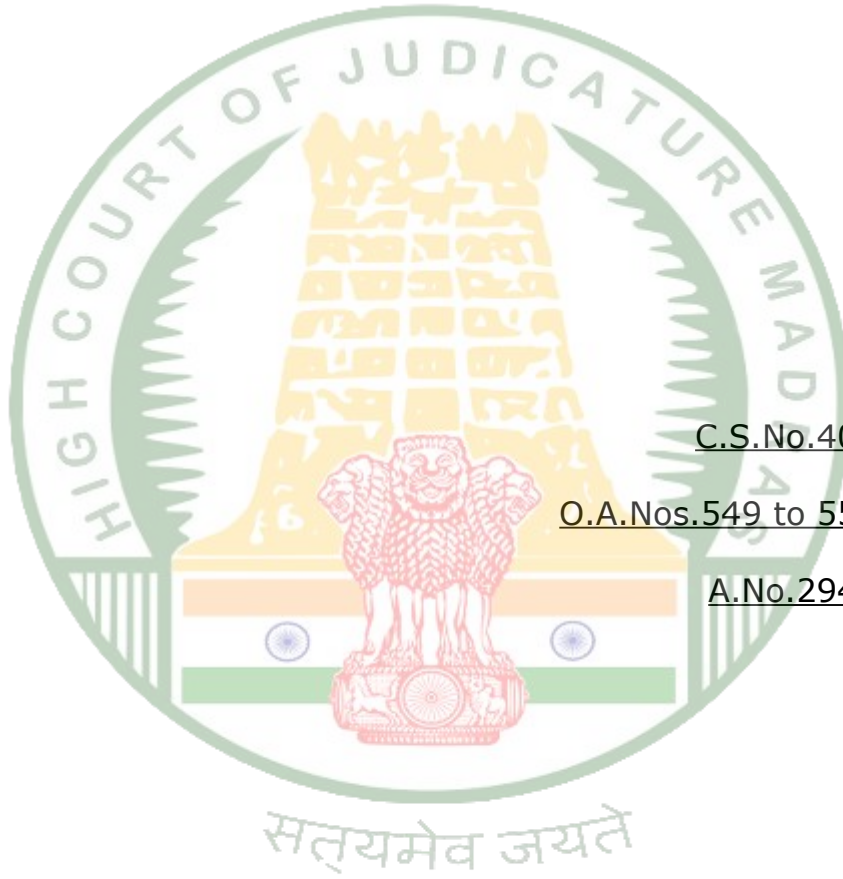
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N.SATHISH KUMAR, J.
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