

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 28TH DAY OF MARCH 2018

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

A.No.6289 of 2017

and

O.A.Nos.1013,1014 and 1051 of 2017

in

C.S.No.785 of 2018

A.No.6289 of 2017:-

and

O.A.Nos.1013, 1014 & 1051 of 2017:-

1.Theodore D.Jones,

S/o.M.D.Jones,

No.3, 1st Street, Ganapathipuram,

Pallikaranai,

Chennai-600 100.

2.D.Suresh Justin,

S/o.K.Devendran,

No.4/639, Thiruvallur Street,

Senthamizh Nagar,

Medavakkam,

Chennai-600 100.

3.V.Paul Athisayaraj,

S/o.P.Vincent Sigamani,

No.5/9, Sangothiamman Kovil 2nd Cross Street,

Sembakkam,

Chennai-600 073.

... Applicants/Plaintiffs
in all applications

-Versus-

- 1.The Advent Christian Conference of India,
163,A.A.M. Compound,
Gandhi Salai,
Velachery, Chennai-600 042.
- 2.Rev.A.Francis Thangadurai,
claiming to the President,
The Advent Christian Conference of India,
163,A.A.M. Compound,
Gandhi Salai,
Velachery, Chennai-600 042.
- 3.R.Panneerdoss,
Secretary,
Advent Christian Conference of India,
163,A.A.M. Compound,
Gandhi Salai,
Velachery, Chennai-600 042.
- 4.Rev.S.R.Paul Aruldoss,
President of Faith and Order Committee,
Advent Christian Conference of India,
163,A.A.M. Compound,
Gandhi Salai,
Velachery, Chennai-600 042.
- 5.Rev.P.M.Vijayaseelan,
Claming to the the Treasurer
Advent Christian Church,
163,A.A.M. Compound,
Gandhi Salai,
Velachery, Chennai-600 042.
- 6.Rev.S.D.David,
Vice-President,
Advent Christian Conference of India,
163,A.A.M. Compound,
Gandhi Salai,
Velachery, Chennai-600 042.

- 7.Rev.S.Stephenson,
Assistant Treasurer,
Advent Christian Conference of India,
163,A.A.M. Compound,
Gandhi Salai,
Velachery, Chennai-600 042.
- 8.Rev.J.K.Benjamine,
Principal,
A.C.Bible Institute,
Advent Christian Conference of India,
163,A.A.M. Compound,
Gandhi Salai,
Velachery, Chennai-600 042.
- 9.Rev.P.Victor Jones,
Director-A.C.Evangelism Committee,
Advent Christian Conference of India,
163,A.A.M. Compound,
Gandhi Salai,
Velachery, Chennai-600 042.
- 10.Rev.M.Aaron,
Director-A.C.R.E.Board,
Advent Christian Conference of India,
163,A.A.M. Compound,
Gandhi Salai,
Velachery, Chennai-600 042.
- 11.Mr.P.Victor Elango,
Director-A.C.Literature Committee,
Advent Christian Conference of India,
163,A.A.M. Compound,
Gandhi Salai,
Velachery, Chennai-600 042.
- 12.Mr.K.Paul Dinakaran,
E.C.Member,
Advent Christian Conference of India,

163,A.A.M. Compound,
Gandhi Salai,
Velachery, Chennai-600 042.

13.Mr.C.Dairiyanathan,
E.C.Member,
Advent Christian Conference of India,
163,A.A.M. Compound,
Gandhi Salai,
Velachery, Chennai-600 042.

14.Mr.G.Dinakaran,
E.C.Member,
Advent Christian Conference of India,
163,A.A.M. Compound,
Gandhi Salai,
Velachery, Chennai-600 042 ... Respondents/Defendants
in all applications.

A.No.6289 of 2017:-

Application praying that this Hon'ble Court be pleased to appoint an advocate Commissioner to conduct the elections to the Executive Committee of the first respondent society in accordance with the byelaws?

O.A.No.1013 of 2017:-

Application praying that this Hon'ble Court be pleased to grant an order of ad-interim injunction restraining the respondents from conducting the General Body Meeting pursuant to the notice dated 25.09.2017, pending disposal of the suit?

O.A.No.1014 of 2017:-

Application praying that this Hon'ble Court be pleased to grant and order of an ad-interim injunction restraining the respondents 2

and 5 from discharging the duties of the President and Treasurer,
pending disposal of the above suit?

O.A.No.1051 of 2017:-

Application praying that this Hon'ble Court be pleased to grant
an order of ad-interim injunction restraining the respondents from
alienating the property of the first respondent Society, pending
disposal of the above suit?

C.S.No.785 of 2018:-

- 1.Theodore D.Jones,
S/o.M.D.Jones,
No.3, 1st Street, Ganapathipuram,
Pallikaranai,
Chennai-600 100.
 - 2.D.Suresh Justic,
S/o.K.Devendran,
No.4/639, Thiruvallur Street,
Senthamizh Nagar,
Medavakkam,
Chennai-600 100.
 - 3.V.Paul Athisayaraj,
S/o.P.Vincent Sigamani,
No.5/9, Sangothiamman Kovil 2nd Cross Street,
Sembakkam,
Chennai-600 073.
- ... Plaintiffs

-Versus-

- 1.The Advent Christian Conference of India,
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Gandhi Salai,
Velachery, Chennai-600 042.

2.Rev.A.Francis Thangadurai,
 claiming to the President,
 The Advent Christian Conference of India,
 163,A.A.M. Compound,
 Gandhi Salai,
 Velachery, Chennai-600 042.

3.R.Pannerdoss,
 Secretary,
 Advent Christian Conference of India,
 163,A.A.M. Compound,
 Gandhi Salai,
 Velachery, Chennai-600 042.

4.Rev.S.R.Paul Aruldoss,
 President of Faith and Order Committee,
 Advent Christian Conference of India,
 163,A.A.M. Compound,
 Gandhi Salai,
 Velachery, Chennai-600 042.

5.Rev.P.M.Vijayaseelan,
 Claming to the the Treasurer
 Advent Christian Conference of India,
 163,A.A.M. Compound,
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 Velachery, Chennai-600 042.

6.Rev.S.D.David,
 Vice-President,
 Advent Christian Conference of India,
 163,A.A.M. Compound,
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 Velachery, Chennai-600 042.

7.Rev.S.Stephenson,
 Assistant Treasurer,
 Advent Christian Conference of India,

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 Gandhi Salai,
 Velachery, Chennai-600 042.

14.Mr.G.Dinakaran,
 E.C.Member,
 Advent Christian Conference of India,
 163,A.A.M. Compound,
 Gandhi Salai,
 Velachery, Chennai-600 042.

... Defendants

This Application coming on this day before this court for hearing the court made the following order:

All these applications have been filed by the Plaintiffs in CS.No.785 of 2017.

2. The suit had been filed by the Plaintiffs, who claimed to be the members of the Churches, under the control of the 1st Defendant Society. The 1st Defendant Society is the Advent Christian Conference of India and it is the registered Society under the provisions of the Tamil Nadu Societies Registration Act. The establishment and the regulation of the affairs of the Society are governed by the bye laws of the Society. The Churches all over Tamil Nadu, which follow the order of the Advent Christianity, belonged to the 1st Defendant Society. The suit had been filed, seeking the following reliefs:-

- a) declaration that the 2nd and 5th Defendants are not the President and Treasurer of the 1st Defendant Society and consequently, declare them to be permanently disqualified from holding any post in the first Defendant Society.
- b) declaration that the Defendants 3, 4 and 6 to 14 have not been properly elected at the General Body Meeting held on 24.09.2016 and consequently, hold their election as invalid.
- c) for permanent injunction, restraining the Defendants from conducting the General Body meeting pursuant to the notice dated 25.09.2017.
- d) direction to conduct the elections to the Executive Committee of the 1st Defendant Society under the supervision and control of this Court.
- e) permanent injunction, restraining the alienation of the immovable property of the 1st Defendant Society without prior permission of this Court.

3. According to the Plaintiffs, two Members from each of the Church, which follow Advent Christianity, form the general body of the Advent Christian Conference of India. The local Paster and the Bible Woman also form part of the General Body. The Churches are divided into divisions. The number of divisions are decided by the Faith and Order Committee, which is a permanent Committee according to the bye laws. A senior most local Paster of each division is appointed as an area Chairman. He, therefore, becomes a Member of the Faith and Order Committee. It has been stated that there are 19

divisions and consequently, there are 19 Members of the Faith and Order Committee. The Faith and Order Committee is the supreme Committee. The administration of the 1st Defendant Society is conducted by the Executive Committee. There are 14 Members. These include President, Vice President, Secretary, Treasurer, Assistant Treasurer and three representatives from Church Committees and Standing Committees. It has been stated that the President, Vice President, Secretary, Treasurer and Assistant Treasurer are selected by the Faith and Order Committee and approved by the General Body.

4. It has been further stated that in so far as the Secretary is concerned, two Members, who are Members of the Church Committee, are elected by the Faith and Order Committee and one of them is selected by the General Body. Three representatives are directly elected by the General Body. The other Members also become Members of the Executive Committee. The Executive Committee appoints the Standing Committee Members. It has been further stated that in the year 2014, the Faith and Order Committee appointed Rev. Francis Thangadurai, the 2nd Defendant, as the President for a period of two years. On expiry of the period, a General Body was called. Notice was issued on 11.3.2016. On 26.3.2016, on which date, the General

Body was to be held, the Faith and Order Committee convened a meeting and elected Rev.P.M.Vijayaseelan, the 5th Defendant as the President of the Executive Committee. He was resolved to have been elected by a majority vote and the name was forwarded to the Executive Committee for approval and announcement at the General Body meeting on 26.03.2016. However, the 2nd Defendant was retained as the President of the Executive Committee. Consequently, the elected individual Rev.P.M.Vijayaseelan, the 5th Defendant herein filed CS.No.222 of 2016. There was an interim order granted by the Court. But, subsequently, it was vacated. An appeal was filed in OSA.No.166 of 2016, in which an order of injunction was granted, restraining the Defendants not to alienate any of the properties, pending disposal of the appeal. The appeal came to be finally disposed of by the order of the Court, dated 26.10.2016 and the appeal was allowed and the election of Rev.Francis Thangadurai, the 2nd Defendant herein was set aside.

5. It has been further stated that the Plaintiffs, who were not parties to the said proceedings, were closely watching the developments. The Plaintiffs have filed the present suit since a notice was issued on behalf of the 1st Defendant on 25.9.2017,

calling for a General Body meeting on 14.10.2017. However, the 2nd Defendant had signed as President and had called for a General Body meeting. It was stated that the 4th Defendant, who is the President of the Faith and Order Committee, called for the meeting. It is the grievance of the Plaintiff that the 2nd Defendant, whose election had been set aside by the Division Bench, had called for the meeting of the General Body. It had come to the knowledge of the Plaintiff that the 5th Defendant and the 2nd Defendant had colluded with each other and the 5th Defendant had given up the post of President and accepted the post of Treasurer. It has been further stated that unless and until the election to the post of President is held in accordance with the bye laws, such election cannot be accepted. It has been further stated that the 2nd and 5th Defendants should be disqualified.

6. It has been further stated that as a consequence of illegal understanding between the 2nd and 5th Defendants, the 3rd, 4th and 6th to 14th Defendants had been elected as Members to the Executive Committee. They had been elected in the General Body held on 24.9.2016. The 3rd Defendant had been elected as the Secretary. It is stated that he was not a Member of the Church Committee. It has been further stated that the Executive Committee of the 1st

Defendant Society had already passed resolutions, dated 13.2.2016 and 20.2.2016, authorising sale of the property of the 1st Defendant Society without any necessity. It has, therefore been stated that cause for instituting the suit had arisen and the suit had been instituted, seeking the reliefs, as stated above.

7. In the suit, the Plaintiff has filed the above applications, which are now under consideration. The Plaintiff had filed OA.No.1013 of 2017, seeking an order of interim injunction, restraining the Respondents/ Defendants from conducting the General Body meeting pursuant to the notice dated 25.9.2017 and OA.No.1014 of 2017, seeking an order of interim injunction, restraining the Respondents 2 and 5/ Defendants from discharging duties as President and Treasurer. They had also filed OA.No.1051 of 2017, seeking an order of interim injunction, restraining the Respondents/ Defendants from alienating the property of the 1st Respondent /Defendant Society. They had also filed A.No.6289 of 2017, seeking an order to appoint an Advocate Commissioner to conduct the elections to the Executive Committee of the 1st Respondent/ Defendant Society, in accordance with the bye laws.

8. In the affidavits filed in support of the said application, the Plaintiff have stated the very same facts as stated in the plaint. An additional affidavit had also been filed by the 1st Plaintiff, relating to the proceedings and instances which transpired on 14.10.2017 in the General Body meeting. It has been further stated that the proceedings are a clear violation of the bye laws and vindictive stand of the Defendants and consequently, an Advocate Commissioner is necessary to conduct fresh elections.

9. In the common counter affidavit filed on behalf of the 1st and 2nd Respondents/ Defendants, the 2nd Respondent, who claimed to be the President of the 1st Respondent Society, has stated that the Plaintiffs are not Members of the General Body of the 1st Respondent Society and consequently, they have no locus standi to claim any relief. The fact that they are interested in the affairs of the Society has been challenged by these Respondents. It has been stated that the suit and the applications lack bona fide and had been filed with ulterior motives. Their only object is to prevent sale of the property of the 1st Respondent Society. It has been stated that the 2nd Applicant/ Plaintiff was a Member of the Executive Committee and was a party to the earlier resolutions of the Executive Committee

passed on 25.11.2011 and 28.01.2013 to sell the property to one Shanthilal and also signed as a witness in the Power of Attorney dated 13.02.2012, executed by the Trust Association of the Advent Christian Conference of India Private Limited, in favour of one Dharamchand, brother of Shanthilal, as well as in the supplementary agreement, dated 14.2.2017 executed in favour of Shanthilal, to sell the suit property.

10. It has been further stated that the 3rd Applicant/Plaintiff had given a false certificate. He was working in a school run by the 1st Respondent Society, where his fraud was discovered and criminal action was taken against him by the Educational Committee and he was removed from service. The nature of organisation of the 1st Respondent Society had been stated. It has been further stated that in the year 2014, the 2nd Respondent was elected by the Faith and Order Committee as the President and after approval by the Executive Committee was announced in the General Body. The 5th Respondent had, as a fact, filed CS.No.222 of 2016. Originally injunction was granted, but subsequently, it was vacated. As against the same, OSA.No.166 of 2016 had been filed by the 5th Respondent/Defendant. There was no pleading in the said suit regarding

irregularity in the sale of any property. Only in the reply to the counter affidavit in OSA.No.166 of 2016, a new case relating to immovable properties was projected. An interim direction alone was granted that till the next hearing, the resolutions of the Executive Committee to deal with any immovable property, shall not be acted upon in any manner. However, in the final order dated 26.10.2016, there was no order regarding the sale of the properties. It has been further stated that the Applicants, who had referred to the resolutions of the Executive Committee, dated 13.2.2016 and 20.2.2016, have not challenged the same and sought any relief as against the same. It was stated that subsequent to the order of the Division Bench, the Faith and Order Committee held a meeting on 16.5.2017 and it was unanimously agreed that the 2nd Respondent would take charge as President and the 5th Respondent was appointed as the Treasurer.

11. It has been further stated that the Treasurer was given the post of Director, Paster Welfare. Consequently, the entire issues were amicably resolved. This was also approved by the General Body and all the Members of the General Body were informed about these developments. Thereafter, the 2nd Respondent/ Defendant had

been functioning as the President. There was no opposition when these matters were announced in the General Body on 14.10.2017. The averments in the plaint had been specifically denied and it has been claimed that the 2nd Respondent/ Defendant had every authority to act as the President. It has been further stated that there was no collusion, leading to disqualification of the 2nd and 5th Respondents. It has been further stated that the General Body was held on 24.9.2016 and representatives from all the member Churches, including the Applicants/ Plaintiffs participated. It has been specifically stated that the averments of the Plaintiffs with respect to immovable property had been denied and the Plaintiffs were put to strict proof of their averments. It has been further stated that the applications lack bona fide and have to be dismissed.

12. A counter affidavit has been filed by the 3rd Respondent, who was the Secretary of the Advent Christian Conference of India and on behalf of the other Respondents, who are the Members of the Executive Committee and who are holding office as Vice President, Chairman, Faith and Order Committee and Assistant Treasurer.

13. It has been stated in the counter of the 3rd

Respondent that the notice dated 25.9.2017, calling for a General Body to be held on 1.10.2017 was issued on the basis of the deliberations held among the Members of the Conference, including the Senior Pastor. It was unanimously decided that the disputes in the election to the post of President should be amicably resolved. Consequently, there was a consensus and the 2nd Respondent/ Defendant was appointed as the President and the 5th Respondent/ Defendant was appointed as the Treasurer. They were placed before the Executive Committee on 16.5.2017 and they approved the nominations. Thereafter, the resolutions were communicated to all the Members of the Church and also announced to all the respective Member Churches. From that time onwards, the 2nd Respondent had been functioning as the President and the 5th Respondent had been functioning as the Treasurer. All the material averments with respect to immovable property and other aspects in the suit were also denied.

14. The 5th Respondent has also filed a counter affidavit. The 5th Respondent in his counter affidavit has also denied the averments made in the plaint. He had specifically stated that the suit is vexatious and has to be dismissed with costs. It has been stated that there was a contest in March 2016 between himself and the

2nd Respondent/ Defendant and this lead him to file CS.No.222 of 2016. At that point of time, the contention was that the 2nd Respondent/ Defendant had not been chosen by the Faith and Order Committee. Finally, in OSA.No.166 of 2016, by order dated 26.10.2016, the Division Bench of this Court allowed OSA and held that the Executive Committee cannot override the bye laws. The Division Bench had further stated that it was also open to conduct election for the post of President of the Advent Christian Conference of India. It was further held that it may be done after reaching a consensus. Thereafter, the mater was discussed at various levels to resolve the issues. Many senior Pastors felt that since the 2nd Respondent was the senior to the 5th Respondent, he should be given a chance to continue as President. This was also agreed by the 5th Respondent. Accordingly, the 2nd Respondent took over as the President and the 5th Respondent was appointed as the Treasurer. The existing Treasurer was nominated as the Director of the Standing Committee. These appointments were informed to all the Churches by means of a circular. The pastors and other Members were also informed on 16.5.2017. Consequently, the issues, which had arisen for consideration in CS.No.222 of 2016 had been settled. It has been

specifically stated that there was no collusion. The averments with respect to the properties were also denied.

15. This Court heard the arguments of Mr.B.Vijay, the learned counsel for the Applicants/ Plaintiffs and Mr.Ravi Kumar Paul, the learned senior counsel for the 1st and 2nd Defendants and Mr.V.Vijay Shankar, the learned counsel for the Defendants 3, 4, 6 to 10, 12 and 14 and Mr.K.Sivasubramanian, the learned counsel for the 5th Defendant.

16. For the sake of convenience, the parties shall be hereinafter referred to as the Plaintiffs and the Defendants.

17. The Plaintiffs have instituted the suit on the basis that they are the Members of the Churches functioning under the control of the 1st Defendant Society, namely, Advent Christian Conference of India. This very fact itself is denied particularly by the 1st and 2nd Defendants. According to the 1st and 2nd Defendants, according to the bye laws of the 1st Defendant Society, two Members are elected from each Church of the 1st Defendant Society. The local Pastor for each Church and the Bible Woman of each Church are also Members of the General Body. For the purpose of administration, the Churches are divided into regions. Bye laws

provide for five regions and if they are to be increased, the Faith and Order Committee will recommend the same to the Executive Committee and the matter will be announced in the General Body.

18. In so far as the Faith and Order Committee is concerned, a senior most local Pastor of each Division is appointed as Area Chairman and consequently, he becomes the Member of the Faith and Order Committee. It has been further stated that as on date, there are 19 Members in the Faith and Order Committee.

19. As per Chapter VI of the bye laws of the 1st Defendant Society, the Faith and Order Committee shall appoint qualified persons for the posts of President and Treasurer and get the approval of the Executive Committee and then, it shall be announced in the General Body. The Faith and Order Committee is one of the Standing Committees set out in Chapter VII of the bye laws of the 1st Defendant Society. The power to consider important resolutions passed by the Standing Committee and to supervise the work of the Standing Committee is entrusted with the Executive Committee.

20. The administration of the 1st Defendant Society is to be conducted by the Executive Committee according to the bye laws as stated in Chapter VI. According to Chapter VI of the bye laws, the

total membership of the Executive Committee is 13. The Director/Head of the Standing Committees would become Members of the Executive Committee. According to Chapter VII of the bye laws, Standing Committees were gradually increased from 6 and as on date, there are 20 Committees. The President is the Chairman of the Education Committee. 19 Members are Chairmen of the said Committees. As on date, the number of Members in the Executive Committee including the Directors of the Standing Committees is 28. The 1st Plaintiff was also a Member of the Standing Committee, namely, Planning Committee. This was formed later.

21. In so far as the posts of President and Treasurer are concerned, after selection by the Faith and Order Committee, the Executive Committee has to approve the same and then, it is announced in the General Body as per Chapter VI of the bye laws. For the post of Vice President, Assistant Treasurer, Secretary, two Pastors will be selected and nominated by the Faith and Order Committee for election in the General Body.

22. A perusal of the facts reveal that the 2nd Defendant was elected as President of the Faith and Order Committee and after approval by the Executive Committee, his name was also announced in

the General Body. However, the 5th Defendant also claimed to have been elected as the President. In view of the same, the 5th Defendant had filed CS.No.222 of 2016. In the said suit, OA.No.296 of 2016 was also filed, seeking interim injunction. Originally, injunction was granted by this Court and subsequently, it was vacated. As against the said order, OSA.No.166 of 2016 had been filed by the 5th Defendant. During the hearing of CMP.No.11799 of 2016 in OSA.No.166 of 2016, on 27.7.2016, an interim direction was passed by the Division Bench that "Till the next date of hearing, the resolution of the Executive Committee to deal with any immovable property shall not be acted upon in any manner and whatsoever."

23. However, a perusal of the final order dated 26.10.2016 reveals that there was no order, regarding the sale of properties. The Division Bench had actually stated as follows:-

"With regard to the submission of the learned counsel for the Appellant that a fresh election may be directed to be conducted for the post of President as per the bye laws, this Court is not inclined to interfere with the same. It is always open to the Appellant and the Members concerned to conduct a fresh election for the post of President of the Advent Christian Conference of India as per the mandate of the bye laws. They may choose to do so after reaching a consensus on the same.

The Claim 'that the order electing the said Francis Thangadurai, the second Respondent/ Defendant herein is

the President was set aside." is false. As stated earlier, the OSA was against an interim order and the suit is still pending on the file of this Hon'ble Court."

24. It is, thus, seen that the Division Bench had actually encouraged consensus and also fresh election for the post of President of the 1st Defendant Society. The Division Bench had never suggested that there was adverse interest among the parties. It is also to be mentioned that even according to the Plaintiffs, they closely watched the developments, but did not directly participate in the proceedings. Reference to immovable properties was only by way of passing remark and there was no order to that effect.

25. However, Mr. Ravikumar Paul, the learned senior counsel pointed out that the 2nd Plaintiff was actively involved in the decision taken with respect to the immovable property. The learned senior counsel pointed out the resolution passed by the Executive Committee for sale of the property, dated 11.3.2011, in which, the 2nd Plaintiff had also participated in the meeting. In the resolution dated 16.5.2011 of the Executive Committee, again the 2nd Plaintiff participated. He also participated in the resolution dated 5.9.2011 of the Executive Committee. He further participated in the resolution of the Executive Committee, dated 25.11.2011 and also in

the resolution dated 28.1.2012. All these resolutions relate to sale of property about which the Plaintiffs have raised various allegations. I hold that it does not lie in the mouth of the Plaintiffs to raise allegations against the sale of property when the 2nd Plaintiff himself had participated in the resolutions relating to sale of property. As a matter of fact, the 2nd Plaintiff, who had verified the plaint, had deliberately suppressed that he was a party to the resolutions.

26. The Plaintiffs have not come to Court with proper disclosure of proper and necessary facts and non disclosure naturally leads to a presumption of deliberate suppression. Deliberate suppression leads to a further presumption that it is done only because all the facts if disclosed would be adverse to the claims of the Plaintiff. It has been further pointed out by the learned senior counsel that the 2nd Plaintiff was actually a signatory in the General Power executed by the then President in favour of Dharamchand, dated 13.2.2012. The said document had been filed in Court. It is seen that the 2nd Plaintiff had actually signed as a witness. Another supplementary agreement executed by the President in favour of Shanthilal, dated 14.2.2012 had also been filed before

the Court and in the said document also, it is seen that the 2nd Plaintiff had signed as a second witness. Consequently, the claim of the Plaintiffs that they seek to protect the properties of the 1st Defendant Society cannot be believed and they cannot be trusted that their objections are bona fide in nature. As a matter of fact, the plaint itself suffers from joinder of separate causes of action.

27. On the one hand, the Plaintiff claimed that the 2nd and 5th Defendants have colluded with each other subsequent to the order of the Division Bench referred to above and have challenged the functioning of the 2nd Defendant as the Vice President. In the same breath, they have also introduced a fact that the properties of the 1st Defendant Society are being dealt with. There is absolutely no connection between the election of the 2nd Defendant as President and the properties being dealt with. As a matter of fact, there is only a direct connection between the 2nd Plaintiff and the property being dealt with and if at all anybody has to answer the questions raised with respect to the dealing of the properties, it is the 2nd Plaintiff. The 1st and 3rd Plaintiffs, who have claimed that they have interest in common with the 2nd Plaintiff are consequently also responsible to answer the questions regarding the properties and it

does not lie in their mouth to seek answers from the Defendants.

28. A perusal of the records and documents filed further reveals that on 16.5.2017, a circular had been issued by the Executive Committee, wherein it has been stated that the 2nd Defendant had been chosen as the President and the 5th Defendant has been chosen as the Secretary by the Faith and Order Committee. Subsequent to the said circular, on 13.9.2017, letter of consent had also been given by the 5th Defendant. It is under these circumstances that the circular dated 25.9.2017 had been issued. The stand of the Defendants is consistent that consensus had been reached among the contesting parties. It is under these circumstances that the 2nd Defendant has begun to function as the President and the 5th Defendant had been entrusted with the work of Treasurer. I find no reason to suspect their bona fide. The Plaintiffs have come to Court without any locus. They are not even the Members of the 1st Defendant Society. They watched the developments very keenly and then seek to disrupt the smooth functioning of the 1st Defendant Society. I find no reason to grant any relief to the Applicants/ Plaintiff.

29. In the result, all the applications are dismissed with costs.

Sd./- C.V.K.J.

28.03.2018

//Certified to be true copy//

Dated at Madras this the th day of 2018.

COURT OFFICER (O.S.)

NMM/11.04.2018

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.