



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 14.06.2018

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

WEB COPY

C.R.P. (PD) (MD) Nos.1155 and 1156 of 2018
and C.M.P. (MD) Nos.4958 & 4959 of 2018C.R.P. (PD) (MD) No.1155 of 2018

The Indian Club,
Rep. by its Secretary,
D.Daleep Singh,
S/o.Dungar Singh,
16/318-A, P.T.Road,
Kodaikanal, Dindigul District.

... Petitioner/Petitioner/
Proposed Respondent/3rd Party

-Vs-

1. The Indian Club,
Rep. by its Secretary,
Balasubramani,
S/o.Veluchamy,
P.T.Road, Kodaikanal,
Dindigul District

... 1st Respondent/1st
Respondent/Plaintiff

2. R.M.Shanmuganathan
3. S.Ramprasad
4. R.M.Mohanram
5. R.M.Loganathan

... Respondents 2to5/Respondents 2to5/
Defendants

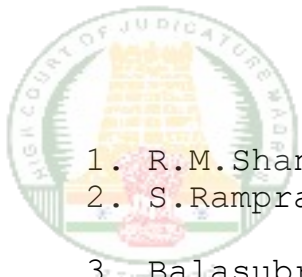
Prayer: Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the order dated 23.03.2018 passed in I.A.No.162 of 2017 in O.S.No.269 of 2013 on the file of the District Munsif-cum-Judicial Magistrate, Kodaikanal, Dindigul District and thereby allow this Civil Revision Petition.

For Petitioner : Mr.K.A.Chandra Jithu

C.R.P. (PD) (MD) No.1156 of 2018

The Indian Club,
Rep. by its Secretary,
D.Daleep Singh,
S/o.Dungar Singh,
16/318-A, P.T.Road,
Kodaikanal, Dindigul District.

... Petitioner/Petitioner/
Proposed Respondent/3rd Party



-Vs-

1. R.M.Shanmuganathan

2. S.Ramprasad

3. Balasubramani

4. The Commissioner,
Kodaikanal Municipality,
Kodaikanal, Dindigul District.... Respondents 1&2/Respondents 1& 2/
Plaintiffs... Respondents 3 & 4/
Respondents 3 & 4/Defendants

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the order dated 23.03.2018 passed in I.A.No.192 of 2014 in O.S.No.266 of 2013 on the file of the District Munsif-cum-Judicial Magistrate, Kodaikanal, Dindigul District and thereby allow this Civil Revision Petition.

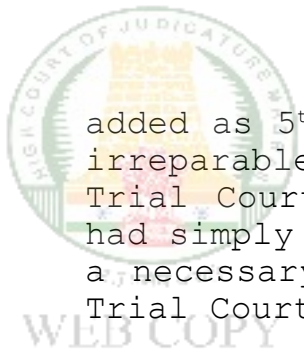
For Petitioner : Mr.K.A.Chandra Jithu

COMMON ORDER

The plaintiff in O.S.No.269 of 2013 sought for declaration of the lease agreement dated 27.06.1997 as null and void, etc., and in O.S.No.266 of 2013, the relief sought for was the permanent injunction. During pendency of the same, the revision petitioner / Club in both these petitions, which is one and the same, filed two applications, seeking its impleadment in O.S.Nos.269 & 266 of 2013 on the file of the District Munsif-cum-Judicial Magistrate, Kodaikanal, Dindigul District respectively, before the Trial Court, which were dismissed by the Trial Court, stating the applications were filed only to drag on the proceedings in the suit. Aggrieved over the same, these Civil Revision petitions have been filed.

2. It is the case of the revision petitioner / proposed party that the Indian Club (in short the "Club") was originally established in the year 1916 after obtaining Certification of Incorporation from the British Government and the Club was subsequently registered with the Society of Registrar, Madurai on 20.06.1997. It is the further case of the petitioner that after its establishment, new members were added and several elections were conducted to the Club and while so, the Secretary of the Club, without consultation with other members of the Club and the petitioner, had illegally declared himself as the Secretary of the Club and also prepared a duplicate stamp pad, letter head, etc.

3. The revision petitioner states that on account of creation of forged documents, disciplinary action is pending against illegally elected persons and they, without any authority, had filed the suit against the defendants. Unless the revision petitioner is



added as 5th defendant in the suit, there would be much hardship and irreparable loss to the revision petitioner. Contending that, the Trial Court, without taking the factual aspects into consideration had simply dismissed the applications and the revision petitioner is a necessary party to the suit, it is prayed that the order of the Trial Court is liable to be set aside.

4. Heard the learned counsel for the petitioner and the notice to other side is dispensed with, in view of the nature of disposal of these cases and perused the material documents available on record.

5. A perusal of the relief sought for in the suits would unfold the fact that the one suit was filed by the plaintiff for declaration along with various other reliefs and the other one was for permanent injunction etc. On a careful scrutiny of the entire material documents, it leaves no manner of doubt that the revision petitioner had functioned as the Secretary of the Club in the year 2011, which is evident from Ex.A1 itself, whereas the plaintiff was subsequently selected as the Secretary of the Club during the year 2013 as per Ex.B1 and he started administering the Club from 14.06.2013 onwards. Except the documents mentioned above, the revision petitioner has not adduced any other documents in support of his claim. Though it is true that the Court can implead any party at any stage of proceedings under Order 1 Rule 10(2) CPC, if it appears to be just and necessary to decide the issue, the revision petitioner herein did not show sufficient cause for adding him as one of the defendants in the suit, as the role of the 3rd party was over after selection of the present Secretary, which fact is borne out by records. Moreover, the suits are of the year 2013 and after a period of nearly five years, no necessity arose for impleading the revision petitioner as one of the defendants in the suit, as rightly observed by the Trial Court.

6. In view of the foregoing discussions and observations, this Court is of the view that the findings of the Trial Court are perfectly valid and it does not call for any interference by this Court.

7. In the result,

a) these Civil Revision Petitions are dismissed, thereby confirming the orders dated 23.03.2018 passed in I.A.No.162 of 2017 in O.S.No.269 of 2013 and I.A.No.192 of 2014 in O.S.No.266 of 2013, by the learned District Munsif-cum-Judicial Magistrate, Kodaikanal, Dindigul District;

b) the learned District Munsif-cum-Judicial Magistrate, Kodaikanal, Dindigul District is directed to dispose of the suits in O.S.Nos.266 and 269 of 2013, within a period of three months from the date of receipt of a copy of this order, by conducting the trial on day-to-day basis without giving any adjournment to either parties



and the parties shall cooperate for disposal of the suit within the stipulated time as indicated above.

No costs. Consequently, connected miscellaneous petitions are closed.

WEB COPY

/True Copy/

Sd/-
Assistant Registrar (CS-III)

Sub Assistant Registrar (CS-III)

To:

1. The District Munsif-cum-Judicial Magistrate,
Kodaikanal, Dindigul District.
2. The Record Keeper,
Madurai Bench of Madras High Court,
Madurai. (**2 copies**)

C.R.P. (PD) (MD) Nos.1155 and
1156 of 2018
14.06.2018

AR
ES/RP/SAR 3/18.09.2018/4P/4C