

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION No.197 OF 2018

ORDER:

This Civil Revision Petition is filed challenging the order dated 04.01.2018 in C.M.A.No.13 of 2014 passed by the VII Additional District Judge, Gudur, reversing the order dated 04.08.2014 in I.A.No.113 of 2013 in O.S.No.39 of 2013 passed by the learned Senior Civil Judge, Gudur.

2. The petitioner is the first defendant in the aforesaid suit. Respondent Nos. 1 and 2 are the plaintiffs, whereas respondent No.3 is the second respondent who is no more. The aforesaid suit was filed seeking permanent injunction restraining the defendants, their men and agents from interfering with the management of affairs of the first plaintiff society and the related colleges stated in the plaint schedule by styling them as President and Secretary of the first plaintiff society. The first plaintiff society, as per the plaint schedule, is running the following institutions:

- “i) Nedurumalli Balakrishna Reddy institute of Science and Technology.
- ii) Nedurumalli Balakrishna Reddy Science and Arts College.
- iii) Nedurumalli Balakrishna Reddy B.Ed College.
- iv) Nedurumalli Balakrishna Reddy Model High School
- v) Nedurumalli Subbarami Reddy D.Ed College
- vi) PJN Girls High School
- vii) NVRM Elementary schools.”

3. As per the affidavit, the first plaintiff society was registered in the year 1939-1940 under the name and style of 'The Harijana Vidyarthi Udharaka Sangam' and it is running the above institutions, which were established over a period of time. The President of the first plaintiff society continued as office bearer of the society till March, 2010 and the

same is not disputed by the first defendant, but the first defendant is asserting that he convened a General Body Meeting and was elected as President of the Society. The trial Court initially granted an order of *status quo* and subsequently, dismissed I.A.No.113 of 2013 by an order, dated 04.08.2014. Against the said order, the plaintiffs preferred C.M.A.No.13 of 2014 and the same was allowed on 04.01.2018 by granting temporary injunction to the petitioners/plaintiffs as prayed for in the petition. Challenging the said order, the present Civil Revision Petition is filed.

4. The second defendant in the suit remained *ex parte* during pendency of C.M.A.No.13 of 2014.

5. The President, representing the first plaintiff, the second plaintiff and the first defendant are closely related family members. The President of the first plaintiff society is none other than paternal uncle of the first defendant and the second plaintiff is the son of the said President. The management and control of the society is hotly contested and disputed by both the parties. There is no interim order pending C.M.A.No.13 of 2014 and it is asserted by first defendant that he has been managing the affairs of the institutions during the said period, whereas the same is disputed by respondents 1 and 2 herein. As stated above, the first plaintiff society is running seven educational institutions and out of seven educational institutions, Nedurumalli Balakrishna Reddy Science and Arts College is being run by Special Officer, Joint Collector. Nedurumalli Balakrishna Reddy Model High School and PJN Girls High School and N.V.R.M Elementary School are being run by another Special Officer. Only three educational institutions are being run by the first plaintiff society as of now.

6. The suit is of the year 2013 and it is stated that evidence has not yet started and hence, it is likely to take some time for disposal of the suit. Since there is scramble for control over the educational institutions which are not being run by the Special Officers, this Court feels that without going into merits of the case, for smooth functioning of the institutions, a committee of persons can be appointed for smooth functioning of the said educational institutions till the disposal of the suit by the learned Senior Civil Judge, Gudur. The parties also indicated one representative each on the first plaintiff side and the defendants side and accordingly, they have communicated the following names:

- 1) N.Udaysekhar Reddy- plaintiff representative
- 2) Kodavaluru Damodar Reddy – Defendants representative
S/o Kodavaluru Radhakrishna Reddy,
Balireddypalem, Pulikorru, SPSR Nellore.

Since they are the representatives of the first plaintiff society and the defendants, this Court feels that another official representative is also required to be included in the committee and accordingly, directs the District Collector, Nellore, to appoint one of the Joint Collectors to be a Member of the committee/convenor. The Three Member Committee shall take over the record from the first petitioner society and run the educational institutions, namely, Nedurumalli Balakrishna Reddy Institute of Science and Technology, Nedurumalli Balakrishna Reddy B.Ed College and Nedurumalli Balakrishna Reddy D.Ed College, till disposal of the suit O.S.No.39 of 2013. The committee shall maintain separate account and submit periodical reports once in two months to the learned Senior Civil Judge, Gudur. In case of any further clarifications, the Three Men Committee can approach the learned Senior Civil Judge, Gudur, for appropriate directions in the matter of day-to-day administration, if need be. The learned Senior Civil Judge,

at the time of disposal of the suit, shall take into account the said reports and dispose of the same, as expeditiously as possible, but not later than six months from the date of receipt of a copy of this order. It is needles to observe that the plaintiffs as well as first defendant shall cooperate for the disposal of the suit.

7. With the above direction, the Civil Revision Petition is disposed of. Miscellaneous petitions, if any, pending in this revision petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

JANUARY 25, 2018

Note:

Office to mark copy of this order
to the District Collector, Nellore.

(b/o)
YVL



THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO



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Date:25.01.2018

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