

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.Nos.608 and 660 of 2018
and
A.Nos.7338 and 7339 of 2018

C.S.No.608 of 2018

K.Jagannathan

... Plaintiff

Vs.

1.M/s.Gandhi Nagar Club,
Rep. by its Secretary,
No.73, B.Ramachandra Adhithanar Salai,
(Formerly Fort Main Road),
Gandhi Nagar, Adyar, Chennai - 600 020.

2.Mahesh V Shanbhag

3.D.Ilamurugu

4.R.S.Varadarajan

5.K.Balasubramaniam

6.Srinivas A Naidu

7.Arunkumar

... Defendants

C.S.No.660 of 2018

K.Jagannathan

... Plaintiff

Vs.

1.M/s.Gandhi Nagar Club,
Rep. by its President & Honorary Secretary,
No.73, B.Ramachandra Adhithanar Salai,
(Formerly Fort Main Road),
Gandhi Nagar, Adyar, Chennai - 600 020.

2.The General Committee
M/s. Gandhi Nagar Club,
represented by its President & Honorary Secretary

3.Mahesh V Shanbhag

4.D.Ilamurugu

5.R.S.Varadarajan

6.K.Balasubramaniam

7.Srinivas A Naidu

8.Dinesh Kumar

9.Arun Kumar

10.Veluchamy

[10th defendant deleted as
per the order dated
27.09.2018 made in
A.Nos.7338 and 7339 of 2018]

... Defendants

C.S.No.608 of 2018:

Plaint filed under Order 4 Rule 1 of O.S.Rules read with Order VII Rule 1 of C.P.C. praying to pass a judgment and decree:

(a) directing the defendants 1 to 6 herein to pay a sum of Rs.25,00,100/- as damages for damaging the reputation of plaintiff and causing serious mental agony by exhibiting his name on the notice board of the club regarding ongoing disciplinary action which was generated based on false

complaint of employee on the instruction of Disciplinary Committee Chairman against the plaintiff, by colluding with each other to damage his name and reputation also to ensure he does not allow him to stand in elections to be held on last week of September, 2018;

(b) declare that the proceedings of the 4th to 6th defendants dated 12.08.2018 is illegal, arbitrary and violative of principles of natural justice;

(c) permanent injunction restraining the 1st and 2nd defendants from implementing the recommendations of 4th to 6th defendants based on proceedings dated 12.08.2018 as the same is illegal, arbitrary and violative of principles of natural justice and

(d) for costs of the suit.

C.S.No.660 of 2018:

Plaint filed under Order VII Rule 1 of C.P.C read with Order 4 Rule 1 of O.S. Rules praying to pass a judgment and decree:

(a) directing the defendants 1, 3, 4, 5, 6 and 7 to pay a sum of Rs.25,00,100/- for colluding with each other and abusing their positions and prosecuting plaintiff with malicious complaint and awarding Punishment of suspension for 2 years and 3 years respectively and recommending for implementation of the same vide ill Motivated reports dated 30.08.2018 and causing damages to name and fame of the plaintiff among Fellow members of the club leading to untold sufferings and mental agony and causing stigma and

detrimental to 27 years of membership of the plaintiff and his interest;

(b) declaring that the reports dated 30.08.2018 of the disciplinary committee consisting of defendants 5 to 7 pertaining to their proceedings on the complaint against the plaintiff dated 05.03.2018 and 13.06.2018 (wrongly mentioned as 16.06.3018) and recommending the same to be implemented by the second defendant as illegal, arbitrary and set aside the same and

(c) for costs of the suit.

For Plaintiff : Mr.K.Shankar [in both suits]

For defendants : Mr.K.Sukumaran [for D1 in both suits]

Mr.Krishna Srinivasan
for M/s.S.Ramasubramaniam and Associates
[for D2 to D7 in CS.No.660 of 2018]
[for D2 to D9 in CS.No.608 of 2018]

J U D G M E N T

The dispute relates to suspension of the plaintiff as the Member of the 1st defendant club. The other defendants are the Office Bearers of the Club.

2. The learned counsel for the 1st defendant Club has produced the Minutes of the meeting of the General Committee held on 28.01.2019. A reading of the minutes shows that the bone of contention between the parties has been resolved.

3. The learned counsel for the plaintiff seeks to withdraw the suit as settled out of court.

4. The said request is granted and the suit is dismissed as withdrawn, as it is settled out of court. No costs. Consequently, the connected Applications are closed. The Registry is directed to re-fund the court fee paid by the plaintiff.

27.02.2019

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Index : Yes/No

Internet : Yes/No

Speaking Order/ Non-Speaking Order

List of the witnesses examined on the side of the plaintiff: NIL

List of Exhibits marked on the side of the plaintiff: NIL

List of the witnesses examined on the side of the defendants: NIL

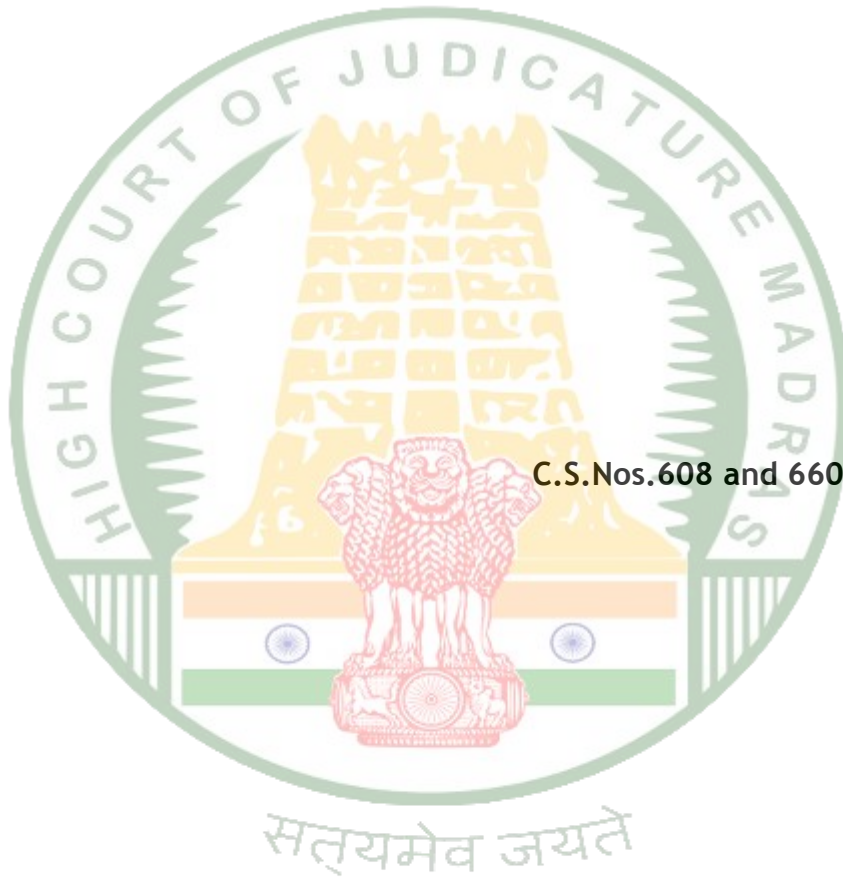
List of Exhibits marked on the side of the defendants: NIL

27.02.2019

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R.SUBRAMANIAN, J.

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C.S.Nos.608 and 660 of 2018

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