

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY THE 14TH DAY OF NOVEMBER 2019

THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

A.No.7923 of 2019

in

C.S. No.586 of 2019

Joseph Abraham,
S/o.K.V.Abraham (Late),
R-67, 12th Street,
Anna Nagar, Chennai-600 040. ... Applicant/Plaintiff

-Versus-

1.The Madras Medical Mission,
Represented by its Hon. Secretary (Interim),
No.4-A, Dr.J.Jayalalitha Nagar,
Mogappair, Chennai-600 037.

2.Mrs.Elizabeth George,
D/o.P.C.Varghese (Late),
G1, Corner Stone,
7/2, Rajendran Colony,
Arunachalam Road,
Saligramam, Chennai-600 093.

3.Mrs.Shoba Verghese,
D/o.Dr.Mary John (Late),
Soukya, Soukya Road,
Samethanahalli, Whitefield,
Bengaluru-560 067.

4.Mrs.Sandya Mary Cherian,
W/o.Sheby Joy (Late)
No.61, Taylors Road,
Kilpauk, Chennai-600 010. ... Respondents/Defendants

Application praying that this Hon'ble Court be pleased to punish the 2nd to 4th Respondents herein for their wilful disobedience and defiance of the Order of this Hon'ble Court dated 27.09.2019 in O.A.No.898 of 2019 in C.S.No.586 of 2019 and close the breach thereof.

<https://hcservices.ecourts.gov.in/hcservices/>

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

This application has been filed under Order XIV Rule 8 of Original Side Rules r/w Order XXXIX Rule 2A of C.P.C. to punish the respondents 2 to 4 for their wilful disobedience and defiance of the order dated 27.09.2019 passed in O.A.No.898 of 2019 in C.S.No.586 of 2019.

2. It is the case of the applicant that he is a member of the Governing Body of the first respondent-Society. Though the normal practice of admitting new members of the first respondent-Society is subject to the decision of the Governing Body, however due to various reasons, the Governing Body did not approve any induction of new members. In the Annual General Body Meeting held in the year 2002, a policy decision was taken to admit the spouses of the departed members as members of the Society on payment of usual membership fee.

3. The applicant would claim that the list of members of the first respondent-Society dated 02.08.2017 was challenged by one Mr.Anuj Josep Samuel in C.S.No.685 of 2017 and an injunction was granted in O.A.No.854 of 2017 on 08.12.2017 from conducting elections for the first respondent-Society and the votes cast by the newly added members were not taken into account pursuant to an order dated 08.12.2017. The applicant would state that, this Court after considering the facts of this case, by an order

dated 27.09.2019 granted an order of injunction restraining the respondents 2 to 4 from attending the Annual General Body Meeting scheduled to be held on 28.09.2019.

4. The applicant would allege that though the order of this Court dated 27.09.2019 was communicated to the respondents 2 to 4, they attended the Annual General Meeting held on 28.09.2019 in wilful disobedience of the order of this Court.

5. A counter affidavit has been filed by the respondents stating that the suit has been filed suppressing the material facts. The order of this Court dated 27.09.2019 was not communicated to them till 30.09.2019. It is further stated that the respondents had no intention to act in violation of the Courts order. The respondents are law-abiding citizens and have the utmost respect and regard for the majesty of the Court. It is further stated that there was no willful disobedience or deliberate defiance of the order and prayed for dismissal of the application.

6. The learned counsel for the first respondent would state that during the AGM meeting held on 28.09.2019, the order was communicated and the votes cast by the respondents 2 to 4 are kept in a sealed cover.

7. It is the submission of the learned counsel for the

respondents 2 to 4 that the order of this Court dated 27.09.2019 was neither communicated to the respondents nor they were aware of the order. It is further stated that the order copy was despatched by the applicant on 28.09.2019 and received by the respondents on 30.09.2019.

8. Heard Mr.S.T.S.Murthy, learned Senior Counsel on behalf of the applicant; Mr.V.Prashanth, learned counsel for the first respondent and Mr.K.Ravindranath, learned counsel appearing on behalf of the respondents 2 to 4 and perused the materials available on record.

9. Even though it is contended by the applicant that injunction order dated 27.09.2019 was communicated to the respondents 2 to 4 on 28.09.2019, no materials have been brought on record to substantiate the same.

10. In the light of the above facts, this Court does not find any wilful disobedience of the order of this Court dated 27.09.2019. Hence, this application is dismissed.

Sd./-M.K.K.S.J

14/11/2019

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER(O.S.)

jj 20/11/2019

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