



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated : 15.10.2019

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRP (PD) (MD) Nos.793 and 1295 of 2019
and
connected miscellaneous petitions

C.R.P. (PD) (MD) .No.793 of 2019:-

G.Kathiresan,
Managing Director,
Chinnamani Finance Limited Company,
No.2/5A, Ganesan Nagar,
Thoothukudi-8

... Petitioner/2nd Respondent/
2nd Respondent/5th Defendant

Vs

1.Virudhunagar Hindu Nadargal Dharma
Paribalana Sabai through its President,
No.78, Devarpuram Road,
Tuticorin.

2.Thoothukudiyil Arupukottai Hindu Nadargal,
Mahamai Paribalana Sangam
through its Secretary,
Door No.106H/5C, Millerpuram,
Tuticorin-8.

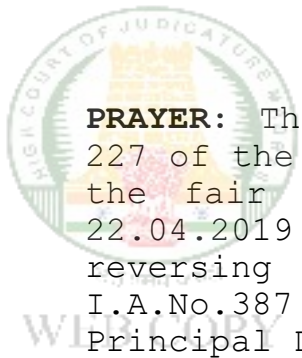
3.Thirumangalam Pandiyakula Sathriya Nadar,
Mahamai Paribalana Sangam
through its Secretary,
Door No.85/2, Ettapuram Road,
Tuticorin-2.

... Respondents No.1 to 3/
Appellants/Petitioners/Plaintiffs

4.Tuticorin Educational Society,
through its Authorized Authority,
No.488/1, Thiruchendur Road,
Tuticorin-628 003.

5.A.Rajendran

... Respondent 4&5/Respondent 1&3/
Respondent 1 &3/Defendant 1 & 6



PRAYER: This Civil Revision Petition has been filed under Article 227 of the Constitution of India to call for the records relating to the fair and decreetal order made in C.M.A.No.7 of 2018 dated 22.04.2019 on the file of the Sub-Court, Thoothukudi District by reversing the fair and decreetal order dated 26.04.2018 made in I.A.No.387 of 2018 in O.S.No.145 of 2018 on the file of the learned Principal District Munsif Judge, Thoothukudi.

For Petitioner : Mr.S.I.Muthiah
For R.1 : Mr.Niranjan.S.Kumar
For R.2 : Mr.G.Prabhurajadurai
for Mr.Susikumar
For R.3 : Mr.V.Balaji

CRP (MD) .No.1295 of 2019:-

1.Tuticorin Educational Society,
through its Authorized Authority,
No.488/1, Thiruchendur Road,
Tuticorin-628 003.

2.A.Rajendran ... Petitioners/ Respondents 1&3/
Respondents 1&3 / Defendants 1&6

Vs

1.Virudhunagar Hindu Nadargal Dharma
Paribalana Sabai through its President,
No.78, Devarpuram Road,
Tuticorin.

2.Thoothukudiyil Arupukottai Hindu Nadargal,
Mahamai Paribalana Sangam
through its Secretary,
No.106H/5C, Millerpuram,
Tuticorin-8.

3.Thirumangalam Pandiyakula Sathriya Nadar,
Mahamai Paribalana Sangam
through its Secretary,
No.85/2, Ettapuram Road,
Tuticorin-2.

... Respondents No.1 to 3/
Appellants/Petitioners/Plaintiffs

4.G.Kathiresan,
Managing Director,
Chinnamani Finance Limited Company,
No.2/5A, Ganesan Nagar,
Thoothukudi-8

... 4th respondent/2nd Respondent/
2nd Respondent/5th Defendant



PRAYER: This Civil Revision Petition has been filed under Article 227 of the Constitution of India to call for the records relating to the fair and decretal order made in C.M.A.No.7 of 2018 dated 22.04.2019 on the file of the Sub-Court, Thoothukudi District and set aside the same and confirm the fair and decretal order dated 26.04.2018 made in I.A.No.387 of 2018 in O.S.No.145 of 2018 on the file of the learned Principal District Munsif Judge, Thoothukudi.

For Petitioner	: Mr.T.Anthony Arulraj
For R.1	: Mr.Niranjan.S.Kumar
For R.2	: Mr.G.Prabhurajadurai for Mr.Susikumar
For R.3	: Mr.V.Balaji

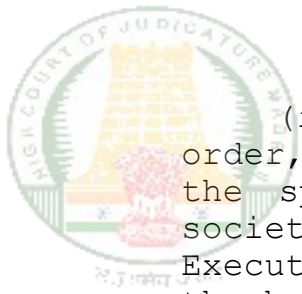
COMMON ORDER

These Civil Revision Petitions have been filed to call for the records relating to the fair and decretal order made in C.M.A.No.7 of 2018 dated 22.04.2019 on the file of the Sub-Court, Thoothukudi District by reversing the fair and decretal order dated 26.04.2018 made in I.A.No.387 of 2018 in O.S.No.145 of 2018 on the file of the learned Principal District Munsif Judge, Thoothukudi.

2.After hearing the arguments of the learned counsel for the petitioners as well as the respondents, the matter was reserved for orders. However, the revision petitions have been listed today under the caption 'for clarification', at the instance of the counsel for the petitioners.

3.Today, the learned counsel for the petitioners would produce the order passed by the Hon'ble Supreme Court in Civil Appeal No.7764 of 2019 (@ Special Leave Petition (C)No.26055 of 2018), dated 03.10.2019, (Virudhunagar Hindu Nadargal Dharma Paribalana Sabai and others vs. Tuticorin Educational Society and others), wherein, the Apex Court at paragraph 21 has held as follows:-

'21.Therefore, we are of the view that the only way to bring to an end all the litigations between the parties before various fora is to set aside the impugned order and the elections held pursuant thereto and to appoint an Advocate Commissioner to convene the General Body as well as the Executive Committee for the election of office bearers. Accordingly, the appeal is allowed, the order of the high court as well as the elections purportedly held pursuant to the order of the High Court are set aside. Smt. S. SORNALATHA, Advocate, No.1, 1st Street, Chidambara Nagar, Thoothukkudi 628 008, is appointed as Commissioner with a mandate to do the following:



(i) Within two weeks of receipt of a copy of this order, the Advocate Commissioner shall address letters to the sponsoring bodies/Societies of the first respondent society, for nominating members to the General Body and the Executive Committee of the first respondent-Society, as per the bye-laws.

(ii) Within one week of receipt of the letter from the Advocate Commissioner, the sponsoring bodies shall send a list of members nominated by them to the General Body/Executive Committee of the first respondent society.

(iii) Within four weeks of receipt of the nominations, the Advocate Commissioner shall convene a meeting of the General Body and the meeting of the Executive Committee and hold elections in accordance with the bye-laws.

(iv) After holding elections, the Advocate Commissioner shall ensure that form Nos. 6 and 7 are registered with the Registrar of Societies so that the registration of such forms do not become the subject matter of any litigation at the instance of the rival groups.

(v) The Advocate Commissioner shall be paid, by the first respondent society, a remuneration of Rs. 1,00,000/apart from the reimbursement of the expenses incurred by her.

(vi) Till the elections are held and results declared, the Advocate commissioner shall discharge the duties of the Secretary of the first Respondent-Society.''

4. In view of the above order passed by the Hon'ble Supreme Court, no further order is necessary in these revision petitions. Accordingly, both the Civil Revision Petitions are closed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

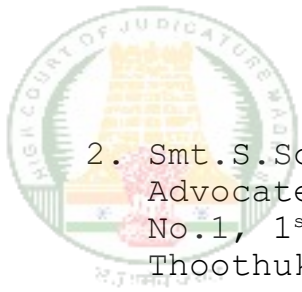
(1) The Sub-Court, Thoothukudi District.

(2) The Principal District Munsif Judge, Thoothukudi.

Copy to:-

1. The Section Officer,
V.R.Records, (2 copies)
Madurai Bench of Madras High Court.

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



2. Smt.S.Sornalatha,
Advocate Commissioner,
No.1, 1st Street, Chidambara Nagar,
Thoothukudi 628 008

+1 CC to Mr.S.I.MUTHIAH, Advocate (SR-91989[F] dated 15/10/2019)
+1.CC. To Mr.Niranjan.S.Kumar, Advocate in SR No.92189

CRP (PD) (MD) Nos.793 and 1295 of 2019
15.10.2019

bala

MK (06.11.2019) 5P 8C