

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 20TH DAY OF JANUARY 2020

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

A.NO.158 OF 2020

IN

C.S.DIARY NO.112222 OF 2019

1. MR.N.S.BALACHANDHAR
S/O.MR.N.SRINIVASAN
AGED ABOUT 39 YEARS,
HAVING OFFICE AT FLAT NO.5
RAAGA APARTMENTS, NO.66
AND 68, VENKATAKRISHNA ROAD,
MANDAVELI, CHENNAI 600 028.

2. MR.SURESH MALLYA
S/O.LATE H.RANGANATHAN MALLYA
AGED ABOUT 52 YEARS,
CONSULTANT AND MENTOR
SUVID HOSPITALITY SERVICES
RESIDING AT 1-A, KASI VISWANATHAR KOIL STREET,
WEST MAMBALAM,
CHENNAI-600 033. ..PLAINTIFFS

-VS-

1. THE HONORARY SECRETARY
SAMYUKTA GOWDA SARASWATA SABHA
A SOCIETY REGISTERED UNDER THE
PROVISIONS OF THE SOCIETIES
REGISTRATION ACT,
HAVING ITS REGISTERED OFFICE AT
NO.55, HABIBULLAH ROAD, T.NAGAR,
CHENNAI-600 017.

2. MR.A.ARJUNA PAI,
PRESIDENT OF SAMYUKTA GOWDA SARASWATA SABHA,
HAVING HIS OFFICE AT
NO.55, HABIBULLAH ROAD, T.NAGAR,
CHENNAI-600 017.

3. DR.H.R.SHANBHOGUE,
VICE PRESIDENT OF SAMYUKTA GOWDA SARASWATA SABHA,
HAVING HIS OFFICE AT
NO.55, HABIBULLAH ROAD, T.NAGAR,
CHENNAI-600 017.

4. MR.C.J.NAYAK,
HONORARY SECRETARY OF SAMYUKTA GOWDA SARASWATA SABHA,
HAVING HIS OFFICE AT
NO.55, HABIBULLAH ROAD, T.NAGAR,
CHENNAI-600 017.

5. MR.VASANT M.SHANBHAG,
JOINT SECRETARY OF SAMYUKTA GOWDA SARASWATA SABHA,
HAVING HIS OFFICE AT
NO.55, HABIBULLAH ROAD, T.NAGAR,
CHENNAI-600 017.

6. MR.K.P.LAKSHMANA ROA,
HONORARY TREASURER OF SAMYUKTA GOWDA SARASWATA SABHA,
HAVING HIS OFFICE AT
NO.55, HABIBULLAH ROAD, T.NAGAR,
CHENNAI-600 017.

7. MRS.VIJAYALKSHMI .R PAI,
COMMITTEE MEMBER OF SAMYUKTA GOWDA SARASWATA SABHA,
HAVING HER OFFICE AT
NO.55, HABIBULLAH ROAD, T.NAGAR,
CHENNAI-600 017.

8. MRS.VIJAYALAKSHMI R.PRABHU,
COMMITTEE MEMBER OF SAMYUKTA GOWDA SARASWATA SABHA,
HAVING HER OFFICE AT
NO.55, HABIBULLAH ROAD, T.NAGAR,
CHENNAI-600 017.

9. MR.V.MURALIDHARA ROA,
COMMITTEE MEMBER OF SAMYUKTA GOWDA SARASWATA SABHA,
HAVING HIS OFFICE AT
NO.55, HABIBULLAH ROAD, T.NAGAR,
CHENNAI-600 017.

10. MR.V.MOHANDAS PAI,
COMMITTEE MEMBER OF SAMYUKTA GOWDA SARASWATA SABHA,
HAVING HIS OFFICE AT
NO.55, HABIBULLAH ROAD, T.NAGAR,
CHENNAI-600 017.

11. MR.SURESH A.PAI,
COMMITTEE MEMBER OF SAMYUKTA GOWDA SARASWATA SABHA,
HAVING HER OFFICE AT
NO.55, HABIBULLAH ROAD, T.NAGAR,
CHENNAI-600 017.

12. MR.B.BALAKRISHNA ROA,
COMMITTEE MEMBER OF SAMYUKTA GOWDA SARASWATA SABHA,
HAVING HIS OFFICE AT
NO.55, HABIBULLAH ROAD,

T.NAGAR,
CHENNAI-600 017.

..DEFENDANTS 1 TO 12.

A.NO.158 OF 2020:

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WEST MAMBALAM, CHENNAI-600 033.

..APPLICANTS/APPLICANTS/PLAINTIFFS

-VS-

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COMMITTEE MEMBER OF SAMYUKTA GOWDA SARASWATA SABHA,
HAVING HIS OFFICE AT
NO.55, HABIBULLAH ROAD,
T.NAGAR,
CHENNAI-600 017.

..RESPONDENTS 1 TO 12/ RESPONDENTS
1 TO 12/DEFENDANTS 1 TO 12.

13. DR.DINESH KAMATH,
PRESENT PRESIDENT OF SAMYUKTA GOWDA SARASWATA SABHA,
HAVING HIS OFFICE AT
NO.55, HABIBULLAH ROAD,
T.NAGAR,
CHENNAI-600 017.

14. MR.SURESH SHANBHOGUE,
PRESENT TREASURE OF SAMYUKTA GOWDA SARASWATA SABHA,
HAVING HIS OFFICE AT
NO.55, HABIBULLAH ROAD,
T.NAGAR,
CHENNAI-600 017.

15. MRS.K.P.KIRAN RAO,
COMMITTEE MEMBER OF SAMYUKAT GOWDA SARASWATA SABHA,
HAVING HIS OFFICE AT
NO.55, HABIBULLAH ROAD,
T.NAGAR,
CHENNAI-600 017.

16. MR.PRAVEEN KAMATH,
COMMITTEE MEMBER OF SAMYUKAT GOWDA SARASWATA SABHA,
HAVING HIS OFFICE AT
NO.55, HABIBULLAH ROAD,
T.NAGAR,
CHENNAI-600 017.

17. MR.R.SATHYANARAYANA SHENOY,
COMMITTEE MEMBER OF SAMYUKAT GOWDA SARASWATA SABHA,
HAVING HIS OFFICE AT
NO.55, HABIBULLAH ROAD,
T.NAGAR,
CHENNAI-600 017.

18. MR.M.UDAY KAMATH,
COMMITTEE MEMBER OF SAMYUKAT GOWDA SARASWATA SABHA,
HAVING HIS OFFICE AT
NO.55, HABIBULLAH ROAD,
T.NAGAR,
CHENNAI-600 017.

..RESPONDENTS 13 TO 18 / PROPOSED
RESPONDENTS.

Application praying that this Hon'ble Court be pleased
to permit the Applicants herein to implead Respondents 13
to 18 herein as Respondents 13 to 18 in A.NO.6408 of 2019
in C.S.Diary.No.112222 of 2019.

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

This application is filed to implead respondents 13 to
18 as respondents 13 to 18 in A.No.6408 of 2019 in
C.S.SR.NO.112222 of 2019.

2. I heard the learned counsel for the applicants/plaintiffs.

3. The learned counsel for the applicants submits that respondents 13 to 18 are the current Office Bearers of the first respondent Sabha. Consequently, he submits that they are either necessary or proper parties in the light of the fact that the suit is for framing a scheme for the proper management and administration of the affairs of the Sabha.

4. On the contrary, the learned counsel for the respondents/defendants submits that respondents 13 to 18 are neither necessary nor proper parties. In particular, he submits that the Sabha is a party to the proceedings and the Secretary of the Sabha is already one of the Defendants in the suit. More over, he submits that the relief was requested against the defendants 2 to 12 in respect of the alleged mismanagement and not as against the proposed respondents 13 to 18. Therefore, he submits that the proposed respondents 13 to 18 are not necessary or proper parties.

5. I considered the submissions of the learned counsel for the respective parties and also examined the affidavit, counter and relevant records.

6. The suit has been filed under Section 92 of the Code of Civil Procedure for framing a scheme for the proper management and administration of the affairs of the Sabha. Although it is true that specific allegations are made against defendants 2 to 12 and not against the proposed respondents 13 to 18, in the light of the nature of the suit, namely, to frame a scheme for proper management and administration of the affairs of the Sabha, I am of the view that respondents 13 to 18, who are admittedly the office bearers or committee members of the Sabha, are proper parties, whose presence would be required for the effective adjudication of the issues that arise in the suit. Accordingly, this application is allowed and the applicants are permitted to implead respondents 13 to 18 as

respondents 13 to 18 in A.No.6408 of 2019.

7.The learned counsel for the applicants shall carry out the amendment with a period of two weeks from the date of receipt of a copy of this order.

Sd/-S.K.R.J.

20.01.2020

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER(O.S.)

Su.24.01.2020

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