

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 18TH DAY OF MARCH 2020

THE HON'BLE MS. JUSTICE P.T.ASHA

A.No.1180 of 2020
in
C.S.Sr.No.19974 of 2020

1. S.D.JOSEPH,
Member - YMCA Madras
S/o.Late Rev.J.Samadhanam
Plot No.8, Natco Colony, Kottivakkam,
Chennai – 600041.

2. R.J.KUMARAVELU
S/o.V.C.Ratnavelu
11/6, Kamaraj Nagar, 1st Street,
Choolaimedu, Chennai - 600 094.
Suing for themselves and in the Representative capacity
on behalf of the members of the 1st Defendant

..Plaintiffs

-Vs-

1. M/S.YOUNG MAN CHRISTIAN ASSOCIATION (YMCA) AND
Registered Society rep.by its General Secretary
No.223 N.S.C.Bose Road, Chennai 600 001.

2. THE BOARD OF DIRECTORS
YMCA: Madras, Rep.by its President,
No.223, N.S.C.Bose Road, Chennai-600 001.

3. THE BOARD OF TRUSTEES
YMCA: Madras, Rep.by its Managing Trustee,
No.223, N.S.C.Bose Road, Chennai-600 001.

4. MR.P.ASIR PANDIYAN,
General Secretary YMCA Madras.
No.223, N.S.C.Bose Road, Chennai-600 001.

Also at:
No.51/1, Raghavan Colony Main Road,
Vadapalani, Chennai-600 026.

5. Mr.M.J.Martin Kennedy,
President -Board of Directors, YMCA:Madras and
Member-Board of Trustees, YMCA:Madras,
No.14, Robinson Park Colny,
Chennai-600 024.

6. Mr.J.Benjamin Franklin,
Vice President – Board of Directors YMCA:Madras , and
Member – Board of Trustee, YMCA, Madras,
No.10, Thangavelu Street,
Vetri Nagar, Chennai-600 082.

7. Mr.P.S.Selwyn Devadoss,
Member – Board of Directors YMCA:Madras , and
Member – Board of Trustee, YMCA, Madras,
No.12, G.A.Road, 31/37.
Santhi Colony,
Old Wahermanpet, Chennai-600 021.

8. Mr.T.Isaiah Kumar,
Member – Board of Directors YMCA:Madras , and
Member – Board of Trustee, YMCA, Madras,
No.18A, F2, State Bank Officers Colony,
2nd Street, Perambur High Road,
Chennai-600 012.

9. Mr.D.Alex Madhavan,
Member – Board of Directors YMCA:Madras , and
Member – Board of Trustee, YMCA, Madras,
No.6, Tank Road, United India Colony,
Kodambakkam, Chennai-600 024.

10. Mr.Vincent Sahayaraj,
Member – Board of Directors YMCA:Madras , and
Member – Board of Trustee, YMCA, Madras,
No.12/6, Buddha Street,
Kodambakkam, Chennai-600 024.

11. Mr.V.P.Muthu Williams,
Member – Board of Directors YMCA:Madras , and
Member – Board of Trustee, YMCA, Madras,
No.198, F2, Baba Nagar, First Main Road,
Villivakkam,
Chennai-600 049.

12. Mr.B.Ravikumar David,
Member – Board of Directors YMCA:Madras , and
Member – Board of Trustee, YMCA, Madras,
No.17, Kalathiappa Mudali Street,
Choolai, Chennai-600 112.

13. Mr.M.M.Selvakumar,
Vice-President-Board of Directors, YMCA:Madras,
No.52, 7th Cross Street, Shenoy Nagar,
Chennai-600 030.

14. Mr.Vincent George,
Hon.Treasurer-Board of Directors, YMCA:Madras
No.1, Ambali Lane, Karnan Street, Ambedkar Road,
Kodambakkam, Chennai-600 024

15.Mr.I.G.Immanuel Nixon,
Member-Board of Directors, YMCA Madras,
No.28, Annai Rajammal Nagar,
Puthagaram, Kolathur, Chennai-600 099.

16. Mr.O.D.ReenuKumar,
Member- Board of Directors, YMCA, Madras,
No.18/1, Gandhi Avenue, Purasawakkam,
Chennai-600 084.

17. Mr.R.Samuel Devanand,
Member- Board of Directors, YMCA, Madras,
Palani Illam, No.2B, Pikington Road,

Ayanavaram, Chennai-600 023

18. Pastor.Selvasekar,
Member- Board of Directors, YMCA, Madras,
No.115, J.J.Khan Road,
Royapettah, Chennai-600 014.

19. Mr.S.Kumar Asirvatham,
Member- Board of Directors, YMCA, Madras,
No.13, Bishop Wallers Avenue,
Mylapore, Chennai-600 004

20. Mr.Gerson Max Premson,
Member- Board of Directors, YMCA, Madras,
No.11/6, Venkatesan Street,
Purasawakkam, Chennai-600 007

21. Mr.N.T.N.Gideon Thangaraj,
Member- Board of Directors, YMCA, Madras,
No.94/56, Govindan Street, Collectorate Colony,
Aminjikarak, Chennai-600 027.

22. Mr.Rajeev George,
Member- Board of Directors, YMCA, Madras,
No.43C, Tailors Road,
Kilpauk, Chennai-600 010

23. Mr.S.Samuel Kirubakaran,
Member- Board of Directors, YMCA, Madras,
No.38, Thambusamy Road,
Kilpauk, Chennai-600 010.

24. Mr.A.M.Packianathan Easter,
Member- Board of Directors, YMCA, Madras,
Room No.1, Hussain Plaza, No.160,
Thamby Chetty Street, Chennai-600 010.

25. Mr.Daniel S.Kumar,
Member- Board of Directors, YMCA, Madras,
91, Sri Jyappa Nagar,
Chennai-600 092.

26. Mr.R.C.Samuel Swamikkan,
Chief Financial Officer, YMCA,
Madras, No.6/74, Ritherdon Road, Chennai-600 007.

27. M/s.Crystal Creations Private Limited,
Rep.by its Managing Director,
No.321, (Old No.125), T.T.K.Road, Alwarpet,
Chennai-600 018.

..Defendants

Application praying that this Hon'ble Court be pleased to Permit the Applicants/Plaintiffs to sue on behalf of and for the benefit of all persons interested in the suit as provided under order 1 Rule 8 Clause 1(a) of the Civil Procedure Code.

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

The above Application is filed invoking the provisions under Order 1 Rule 8 to permit the Applicants/Plaintiffs to sue on behalf of and for the benefit of all persons interested in the suit.

2. The suit has been filed for settling the scheme with reference to the first defendant-Association; for rendition of accounts relating to the amounts received from the 27th defendant; for implementation of the revised MOU approved by the Hon'ble Supreme Court by order dated 14.11.2015 and for initiating appropriate action against the Members of the Board for colluding in misappropriation of a sum of Rs.76.54 received from

defendants 4 to 25 to restore to the first defendant a sum of Rs.76.54 crores which has been misappropriated by them.

3. The first defendant-Association is a an association which has been started nearly 100 years ago and is involved in public services like providing hostel facilities to the youth, running sports and cultural institutions, arranging rehabilitation programmes for refugees, conducting seminars and workshops on National integration, etc. The membership of the Association is irrespective of cast, creed, race and religion.

4. The Association is managed by the Board of Trustees and is also seized of valuable immovable properties. The allegation on which the plaint has been filed is that as per the revised MoU, the construction of a building complex ought to have been started by the first-defendant-Association with the funds of Rs.130 crores, supposed to be provided by the 27th-defendant, however even after the receipt of Rs.76.54 crores from the 27th-defendant, no construction work commenced and the said amount has been misappropriated and diverted by the Respondents/defendants 4 to 25.

5. Considering the fact that the issue involved will have an impact on all the members of the first defendant-Association, the Applicants/plaintiffs seek to file the present Application in representative capacity, as the money involved is public money.

6. Considering the averments contained in the Affidavit, filed along

with the Plaint, together with the contents of the plaint, leave is granted and the plaintiffs shall follow the procedure as contemplated under the provisions of Order 1 Rule 8 of the Code of Civil Procedure.

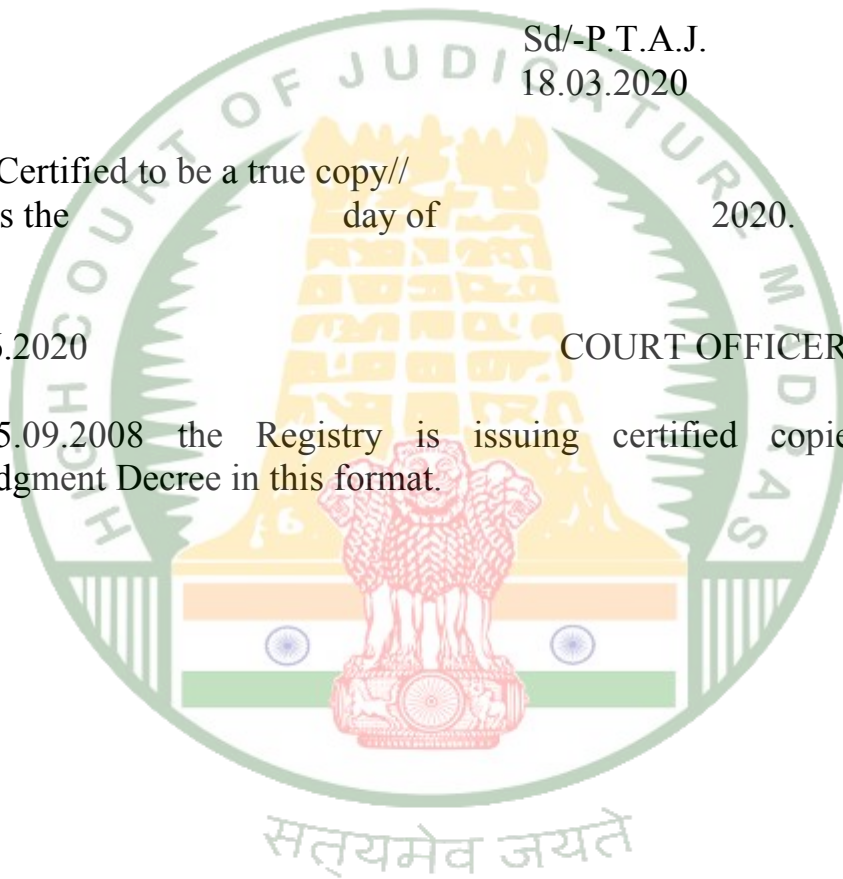
Sd/-P.T.A.J.
18.03.2020

//Certified to be a true copy//
Dated this the day of 2020.

SU/03.06.2020

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.



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