

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 11.11.2020

PRONOUNCED ON: 23.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

A.Nos. 1164 & 1165 of 2020

IN

C.S.No.737 of 2020

Dr.M.A.M. Ramaswamy Chettiar of Chettinad Charitable Trust
Represented by its Managing Trustee Dr.A.C. Muthiah
having Office at Chettinad House, R.A.Puram,
Chennai – 600 028.

... Applicant/Plaintiff in
both applications

Vs.

1. The Madras Race Club
Represented by its Secretary
2. Mr.M.A.M.R. Muthiah
3. Mr. Arun Alagappan
4. Mr.Chanduranga Kanthrajurs
5. Dr.T.Devanathan Yadav
6. Mr.Paul Antony
7. Mr.K.Shashabindu Das

... Defendants/Respondents 1 to 7 in both
Applications

Having Office at
Madras Race Club,
(Stewards Committee Members)
Guindy,
Chennai – 600 032.

... Defendants 1 to 7 /Respondents 1 to 7
in both Applications

8. Kumararani Dr.Meena Muthiah

9. Mr.Ashwin C Muthiah

10. Mr.ARL. Sundaresan

... Defendants/Respondents 8 to 10
in both Applications

Having Office at
Dr.M.A.M. Ramaswamy Chettiar of Chettinad Charitable Trust
Trustees, Chettinad House, R.A.Puram,
Chennai – 600 028.

... Defendants 8 to 10/Respondents 8 to 10
in both Applications

PRAYER IN A.No. 1164/2020:

This application filed under Order XIV Rule 8 of O.S Rules and Section 151 CPC, directing the defendants 1 to 7/respondents 1 to 7 to register the transfer of the two years old horses under mentioned in the name of the applicant and grant them entry permission into Madras Race Club premises for training by the authorised trainers pending disposal of the above suit.

Sl.No.	Horse Name	Trainer Name
1.	Plantaire/Aahayaran B.C. (2 years Old)	R.Foley
2.	Plantaire/Ocean Queen B.C. (2 years Old)	R.Foley
3.	Planetaire – Swan Maiden B.C. (2 years Old)	B. Suresh
4.	Planetaire – Ruby Queen B.F. (@ yers Old)	B.Suresh

PRAYER IN A.No. 1165/2020:

This application filed under Order XIV Rule 8 of O.S Rules and Section 151 CPC, directing the defendants 1 to 7 / respondents 1 to 7 to register new horses acquired by the applicant and grant them permission for entering Madras Race Club and undertaking training pending disposal of the above suit.

For Applicant in
both applications : Mr. R.Srinivas for
Mr. S. Sithirai Anandam

For 1st Respondent in
both Applications : Mr. Aniruth Krishnan

For 2nd Respondent in
both Applications : Mr. T.Mohan for
Mr. Suresh Kumar

For 8th to 10th Respondents in
both applications : Mr. G.Masilamani
Senior Counsel for
Mr. T.Sathiyamoorthy

COMMON ORDERS

Both these applications have been filed by the plaintiff in the suit, Dr.M.A.M. Ramaswamy Chettiar of Chettinad Charitable Trust, seeking a direction against the first to seventh defendants to register the transfer of the four named two years old horses in the name of the plaintiff and grant permission for entry into Madras Race Club premises for training by authorised trainers and for a direction against the first to seventh defendants to register new horses acquired by the plaintiff and also grant permission for entering Madras Race Club and undertaking training.

2. In A.No. 1164 of 2020, the names of the four horses have been given and the application is focused on grant of permission of those four horses.

3. In A.No. 1165 of 2020, the plaintiff seeks a direction for registration of new horses and has also sought permission for entering of the horses into the Madras Race Club premises for undertaking training.

This application appears to be focussed with respect to any new horses that may be acquired by the plaintiff.

4. The plaintiff had filed the suit seeking a Judgment and Decree declaring that the order dated 26.12.2019 passed by the Stewards Committee of the first defendant, the Madras Race Club, was illegal and void and for a permanent injunction restraining the first to seventh defendants from obstructing or preventing the horses owned by the plaintiff's Trust in participating in any race conducted by the first defendant at present or in future and for a permanent injunction restraining the first to seventh defendants from preventing the plaintiff's Trust from moving its horses to and from the first defendant as may be required for the maintenance and racing of the horses.

5. Applications had been filed along with the plaint seeking interim injunctions in O.A.Nos. 1194 & 1995 of 2019 and also directions in A.Nos. 9890 & 9891 of 2019. Those applications came up for consideration before my learned brother Senthilkumar Ramamoorthy, J and by an elaborate, detailed and well reasoned order dated 01.01.2020, the learned Judge had allowed the said applications on the following terms pending disposal of the suit:-

“(i) The applicant shall not be prevented, directly or indirectly, from fielding the horses procured directly by and owned by the applicant in races conducted by the first respondent on the basis of the order dated 26.12.2019 of the Stewards Committee or otherwise.

(ii) The first respondent shall collect the necessary entry and other fees so as to enable the participation of the horses of the applicant in the classic races conducted by it for the 2020-2021 season.

(iii) The Applicant shall not be prevented from taking its horses from the custody of the first respondent for the purpose of participating in other races subject to necessary compliances, in that regard, as per the rules of the first respondent.

(iv) The applicant shall not field any horses that were originally owned by the late Dr.M.A.M.Ramaswamy in any of the races of the first respondent.

(v) The Applicant shall not be prevented from using the gold brown colour racing jersey.”

6. The necessity for the filing of the present applications had arisen owing to the fact that the plaintiff had purchased four two years old horses, namely, (1) Plantaire/Aahaygran B.C., (2) Plantaire/Ocean Queen B.C., (3) Planetaire – Swan Maiden B.C., and (4) Planetaire – Ruby Queen B.F., and their trainers R.Foley and B.Suresh had addressed a letter on 13.02.2020 to the CEO/ Secretary of the first defendant enclosing requisite documents seeking permission for the said horses to enter the Madras Race Club under their charge. The passport and sale forms of the four horses were also submitted to the first defendant on 13.02.2020. An E-mail was sent by the plaintiff on 19.2.2020 to the Senior Stipendiary Steward of the first defendant complaining about the non registration of the horses and the refusal to grant permission to enter the Madras Race Club. Reasons for refusal were also sought. Further E-mails were also sent drawing the attention to the orders of this Court mentioned supra in O.A.Nos. 1194 & 1195 of 2019 and A.Nos. 9890 & 9891 of 2019. The CEO /Secretary of the first defendant then responded by an E-mail dated 03.03.2020 stating that the issue would be placed before the Stewards of the first defendant for consideration on 07.03.2020. On 09.03.2020 a communication was sent to the plaintiff by the CEO/Secretary of the first defendant that though the issue was placed in the meeting on 07.03.2020, the Stewards could not

proceed further since the matter was subjudice. Questioning such a stand taken and claiming that rejection was unlawful and improper and stares in the face of the order by this Court, mentioned supra, which order had not been taken up further appeal by the first defendant and also stating that the first defendant had granted permission to the horses to participate in the races from January 2020 to March 2020 and thereafter taking such a contradictory stand is arbitrary, the applications have been filed seeking directions as stated above.

7. The first defendant filed a counter wherein it had been stated that the Stewards of the first defendant, in their meeting on 07.03.2020 had amended the definition of 'owner' under the rules of the first defendant. The Board of Steward had unanimously decided that only the following category of persons/ entity can alone had registered as a owner under the Madras Race Club Rules of Racing. They were

- (a) Individual owner/s;
- (b) Owner in partnership with not more than five individual owners in a horse in equal share;
- (c) A limited company;
- (d) A racing syndicate; and
- (e) A limited liability partnership

8. It had been further decided that other than the above categories, no ownership of any other entity whatsoever shall be registered as owner/s under the Madras Race Club Rules of Racing. It was further decided that the said amendment shall come into force with effect from 23.03.2020.

9. Placing reliance on the above resolution, the first defendant pointed out that the plaintiff, being a public Charitable Trust, does not fall under any of the above five categories and therefore the plaintiff was prohibited from being eligible to register their horses with the first defendant. It was also stated that in view of the amendment, the relief sought in the applications have become infructuous and as a matter of fact, the suit itself should be dismissed.

10. It was further stated that the last race conducted by the first defendant club took place on 08.03.2020 and thereafter races could not be conducted owing to the lock down measures implemented post Covid 19 pandemic. It was denied that the actions of the first defendant were arbitrary or unreasonable. It was also stated that the final relief itself has been sought in the present applications and that if these applications are to

be considered, they would be against the spirit and sole of the rules and regulations of the first defendant. It was therefore sought that the applications should be dismissed.

11. A reply was filed by the plaintiff to the said counter affidavit, wherein it had been stated that in view of the earlier findings of this Court and the orders passed in O.A.Nos. 1194 & 1195 of 2019 and A.Nos. 9890 & 9891 of 2019, the first defendant cannot rely on the amendment to the rules said to have been carried on 07.03.2020 and which had come into effect on 22.03.2020 and contend that the plaintiff is disentitled to the reliefs sought in the present applications. It was reiterated that the applications should be allowed.

12. A counter affidavit had also been filed on behalf of the second defendant wherein again reliance was placed on the amendment brought during the meeting dated 07.03.2020 by the Stewards Committee which amendment had come into effect from 23.03.2020 and it was stated that since the plaintiff is a public charitable trust, they are prohibited from being eligible to register horses with the first defendant. It was also contended that the order dated 10.01.2020 by this Court had not directed

the first defendant to register newly acquired horses of the plaintiff. It was therefore contended that the application should be dismissed.

13. A reply was filed by the plaintiff to the said counter affidavit wherein it had been stated that the orders of this Court dated 10.01.2020 referred above cannot be set aside by effecting an amendment and the operative portion of the said order was again reiterated. It was stated that the applications should be allowed.

14. Heard arguments advanced by Mr.R.Srinivas learned counsel for Mr. S.Sithirai Anandam, learned counsel on behalf of the plaintiff; Mr.G.Masilamani, learned Senior Counsel for Mr.T.Sathiyamoorthy, learned counsel for the 8th to 10th defendants and also by Mr. Aniruth Krishnan, learned counsel for the first defendant and also by Mr.T.Mohan, learned counsel for Mr.Suresh Kumar, learned counsel for the second defendant.

15. It had been very seriously argued by Mr.G.Masilamani, learned Senior Counsel for Mr.T.Sathiyamoorthy, learned counsel for the 8th to 10th defendants, who took a stand in favour of the plaintiff that this Court by

order dated 10.01.2020 in O.A.Nos. 1194 & 1995 of 2019 and A.Nos. 9890 & 9891 of 2019 had, after examining the entire issues raised, passed comprehensive directions primarily permitting the plaintiff herein to field horses in the races conducted by the first defendant. The learned Senior Counsel pointed out to the usage of the words "*procured directly*" in clause (i) of paragraph 24 of the order and also on the further words "*owned by the applicant*" in the very same clause which granted permission to the plaintiff to participate in the race. It had been specifically ordered that the order dated 26.12.2019 of the Stewards Committee should not be the basis for preventing the horses from participating in the races.

16. The learned Senior Counsel also pointed out that to the last two words of clause (i) "*or otherwise*" and stated that the first defendant therefore cannot take any other step to prevent the plaintiff horses from participating in the races. The learned Senior Counsel further pointed out the letter of the CEO / the Secretary of the first defendant dated 09.03.2020 wherein the request of the plaintiff had been rejected on the ground that "*the matter is subjudice*". The learned Senior Counsel wondered as to how after taking such a stand, the Stewards could pass an amendment

specifically disqualifying a public charitable trust when such a trust is the plaintiff in the suit and claimed that such an amendment had been brought into effect only with sole objection to disqualify the horses belonging to the plaintiff and the plaintiff alone.

17. The learned Senior Counsel also relied on *AIR 1962 SC 1172 Pratap Singh and Another Vs. Gurbaks Singh* and *AIR 1968 SC 1513 Govind Sahai and Another Vs. State of U.P. and Another*. The learned Senior Counsel stated that any conduct, which interferes with or prejudices parties litigant, during the litigation cannot withstand the scrutiny of the Court.

18. Mr. R.Srinivas, learned counsel, who appears for Mr. S.Sithirai Anandam, learned counsel for the plaintiff also supported the arguments of Mr.G.Masilamani, learned Senior Counsel and in addition also relied on *2014 AIR SC 2407 Sate of Tamil Nadu Vs. State of Kerala and another*, wherein a Constitution Bench of the Hon'ble Supreme Court while dealing with the disputes between the States of Tamil Nadu and Kerala with respect to raising the level of the Mullaperiyar Dam had examined the

2006 (Amendment) Act introduced by the Government of Kerala which

authorised the Dam Safety Authority to adjudge the safety to allow raising of water level, had held that the said State legislation was in direct disregard to the Judgment of the Court. It was stated that once a judicial decision on a particular fact achieves finality, the legislature cannot reopen such final Judgment directly or indirectly.

19. Mr.Aniruth Krishnan, learned counsel for the first defendant sought to justify the decision taken to bring about the amendment by stating that the Stewards Committee is an independent body and they can take decisions and they cannot be prevented from taking decisions. Learned counsel stated that the order of the learned Single Judge relied on by the plaintiff related to horses which were existent on that particular date and horses subsequently purchased would be bound by decision taken by the first defendant and in this case, the Stewards Committee had taken a decision not to permit any Charitable Trusts from owning the horses.

20. This argument of Mr.Aniruth Krishnan also found favour with Mr.T.Mohan, learned counsel who argued on behalf of Mr.Suresh Kumar, learned counsel for the second defendant. Learned counsel also pointed out that the order relied on by the plaintiff was with respect to “*the set of*

horses” which were “transferred to the Trust and handed over to the first defendant”. The learned counsel stated that the said order can be restricted only to those horses and cannot be extended to include horses acquired by the plaintiff subsequently. The decision of the Stewards Committee to amend the rules was also justified by Mr.T.Mohan on those grounds.

21. I have carefully considered the materials on record and the arguments advanced.

22. The parties would be referred as plaintiff and defendants.

23. The plaintiff, Dr.M.A.M. Ramaswamy Chettiar of Chettinad Charitable Trust, had filed the suit seeking a declaration that an order dated 26.12.2019 passed by the Steward Committee of the first defendant, Madras Race Club is null and void and for consequential injunctions restraining the defendants 1 to 7 from obstructing and preventing the horses owned by the plaintiff from participating in any race conducted by the first defendant at present or in future or from moving their horses to and from the first defendant as required for maintenance and racing of the horses.

24. On an earlier occasion, the plaintiff had filed O.A.Nos. 1194 & 1995 of 2019 and A.Nos. 9890 & 9891 of 2019 seeking to restrain the defendants from enforcing the order dated 26.12.2019 of the Stewards Committee and for consequential orders directing the defendants to permit the plaintiff to pay the necessary entry fee and participate in the races conducted by the first defendant in the year 2020-2021 season and also to restrain the defendants from preventing the plaintiff from taking out any of their horse from the premises of the first defendant if it is deemed necessary. Those applications were heard by my learned brother Senthilkumar Ramamoorthy, J and a detailed order was passed on 10.01.2020 and the following directions were issued:-

“(i) The applicant shall not be prevented, directly or indirectly, from fielding the horses procured directly by and owned by the applicant in races conducted by the first respondent on the basis of the order dated 26.12.2019 of the Stewards Committee or otherwise.

(ii) The first respondent shall collect the necessary entry and other fees so as to enable the participation of the horses of the applicant in the classic races conducted by it for the 2020-2021 season.

(iii) The Applicant shall not be prevented from taking its horses from the custody of the first respondent for the purpose of participating in other races subject to necessary compliances, in that regard, as per the rules of the first respondent.

(iv) The applicant shall not field any horses that were originally owned by the late Dr.M.A.M.Ramaswamy in any of the races of the first respondent.

(v) The Applicant shall not be prevented from using the gold brown colour racing jersey.”

25. By the present applications, I have been invited to examine whether interpretation of the said order would require granting a direction against the first to seventh defendants to register new horses acquired by the plaintiff and grant them permission to enter the first defendant club and undertake training and more particularly with respect to the four named two years' old horses.

26. It is to be noted that the order of my learned brother had not been taken further in appeal by any of the parties. The order has attained

finality. The parties to the suit have taken a conscious decision to abide by the directions issued. The order is comprehensive in nature.

27. Prudence cautions me and adherence to respect the Rule of Law prohibits me from entering into any venture, indicative of examining the said order passed by my learned brother. The order speak for itself. As on date, it is binding on the parties to the suit. I will also hold, with much pleasure, that it is also persuasive on me, owing to the mutual respect which has to be extended to a co-ordinate bench of this Court.

28. In the affidavit filed in support of these applications, the relevant portions actually commence from paragraph 50 onwards. The practice of '*cut, paste and copy*' of earlier averments now practised with gay abandon in legal drafting with little reflection on relevance has to be abhorred.

29. Be that as it may, it is the grievance of the plaintiff that they had purchased four new two years old horses and had sought permission of the first defendant by submitting requisite documents including passport and sale forms to enter the first defendant club for training by authorised trainers and also to permit registration of any further new horses acquired

by the plaintiff and grant them also permission to enter the first defendant club for training purposes and that the said requisition had been rejected by the first defendant ostensibly on the ground that the “*matter is subjudice*”. The letter of the CEO and Secretary of the first defendant dated 09.03.2020 with the subject “*permission for Two year olds*” reads as follows:-

“From : Raman T <ceo@madrasraceclub.com>
Date: Monday, March 9, 2020
Subject: *Permission for Two year olds*
To: “Dr. M.A.M.Ramaswamy Chettiar of Chettinad Charitable Trust” <mamrctrust@gmail.com>

The Managing Trustee
Dr. M.A.M. Ramaswamy Chettiar of Chettinad
Charitable Trust
Chettinad House
R.A. Puram, Chennai – 600 028.
Dear Sir,

Ref: Your email dated March 2, 2020

With reference to the above, we wish to state that your above email was placed before the Stewards of Madras Race Club at the meeting held on 7th March 2020 and I am directed by the Stewards to inform you that since the matter is subjudice, the Stewards of the Madras Race Club are not in a position to proceed further in the matter.

Kind regards,
T.Raman
CEO & Secretary”

and this had been informed to the plaintiff. They had apparently taken such a stand in their meeting held on 07.03.2020. That they had taken such a stand had been informed by the first defendant to the plaintiff. That such information is false to the knowledge of the first defendant is exposed by the minutes of the meeting held on 07.03.2020. A kangaroo congregation had apparently been convened with the sole aim to circumvent the letter and spirit of the order of my learned brother and placing reliance on provisions, which should not have been adhered to, if the matter is actually in their opinion “*subjudice*” and throwing caution to the wind, a resolution was passed amending the definition of “*owner*” under the rules of the first defendant and specifically omitting to mention in the accepted category, a “trust”. Taking shelter behind such an amendment, the first defendant had issued an advance calendar notification giving the category of owners of horses who shall be permitted to be registered and raced under the rules of the first defendant and that nobody else shall be registered as owners under the said rules.

31. The doors which had been opened by the Court to enable the plaintiff to participate in the races conducted by the first defendant were closed shut in the face of the Court by the first defendant by adopting such

an amendment to the rules. In my considered opinion, the term “kangaroo congregation” is certainly justified since on the one hand, they claimed privilege to reject the application of the plaintiff on the ground that the matter is *subjudice* but, on the other hand while simultaneously claiming that it is *subjudice*, they had the audacity to bring about an amendment solely to exclude the plaintiff and the plaintiff alone. I hold that malafide is writ large in the resolution brought about by the Stewards of the Madras Race Club in their meeting dated 07.03.2020. Further, malice is also writ large on the first defendant since in the letter extracted above dated 09.03.2020, this aspect was not brought to the notice of the plaintiff by the CEO and Secretary of the first defendant. The first defendant appears to be an organisation which thrives in conducting their matters in an uniquely condemnable manner since in the public communication dated 09.03.2020, they had exhibited a respectful attitude towards Court proceedings but behind the doors, they had passed a resolution with scant regard or respect for the Court order dated 10.01.2020 by my learned brother. This attitude cannot be permitted and is prevented and prohibited by me.

32. Arguments putforth by the learned counsel for the first defendant

justifying the said amendment are strait-away rejected since there could be no justification for a group of individuals taking a decision in defiance of the directions passed on by this Court. The order dated 10.01.2020 is clear. It grants protection to the plaintiff. If interpretation is required, the first defendant should have taken legal recourse for the same. They have not. They have decided not to. They should therefore not have attempted to act as an appellate authority and try ingenious methods to deny the plaintiff the valuable rights granted by the Court.

33. In *AIR 1968 SC 1513 [Govind Sahai and Another Vs. State of U.P. and another]*, the Hon'ble Supreme Court while examining a Judgment of the Allahabad High Court finding the appellants guilty of having committed contempt of Court and sentencing each of them to pay a fine of Rs.500/- , upheld the said order in the following words:-

“In the instant case, the passing of the orders of expulsion, by the two appellants, against the second respondent, and the filing of a supporting affidavit, in the suit by the second appellant, clearly indicate that it was a deliberate attempt, by the appellants, to interfere with, or prejudice the

second respondent, in the conduct of the litigation, instituted by him. It is no answer that the action, by way of expulsion, was taken on the basis of the Resolution, of the All India Congress Working Committee, and to enforce discipline, in the Congress Organization. As emphasized by S.K.Das, J., in Pratap Singh's Case (1962) Supp 2 SCR 838, 848, 'any conduct, which interferes with, or prejudices parties litigant, during the litigation, is undoubtedly Contempt of Court'. The High Court, in this case, was justified in holding the appellants guilty of contempt. We agree with the said conclusion."

34. The facts in that case are that the second respondent therein, V.P. Singh, who was an advocate, practising at Azamgarh, and was a member of the Congress Organisation stood for election for membership of the Primary Congress Committee held on 10.04.1964. His opponent Badri Singh was declared elected. V.P. Singh filed a suit No. 132 of 1964 in the Court of the City Munsif, Azamgarh, for having the election declared void and in operative. He also filed applications seeking interim injunctions which were also granted. Applications were also filed to vacate the order of interim injunction.

35. The Working Committee of the Indian National Congress had earlier passed a resolution on 4/5-12-1950 wherein it had been resolved that if there was any grievance with any action taken by a Congress Organisation then redressal should be by way of appeal or reference to tribunals which had been established and the matters should not be taken to the law Courts. In view of such resolution, the President of the UP Congress Committee expelled V.P.Singh and removed his name from the membership of the Congress. This was brought to the knowledge of the District Munsif, who dismissed the injunction applications. Thereafter, V.P. Singh filed an application for contempt on the ground that pending the suit an order of expulsion had been passed which had directly interfered with the normal course of justice by hampering the progress of the suit.

36. The Hon'ble Supreme Court had upheld the orders of the Allahabad High Court, which had stated that such an order of expulsion pending the suit was an order of contempt.

37. The ratio laid therein applies with equal force to the facts of the

present case.

38. The stand of the first defendant in the counter has to be deprecated. They had stated that consideration of the present applications would imply grant of the reliefs sought in the suit, but had also stated that in view of the amendment, the suit itself should be dismissed. They should realise that what applies for the goose applies for the gander also.

39. A Constitution Bench in **2014 AIR SC 2407 [State of tamil Nadu Vs. State of Kerala & Another]**, also had occasion to examine a unilateral law enacted by one of the parties that resulted in over turning a final Judgment. The Hon'ble Supreme Court in paragraph No.154 held as follows:-

“154. Where a dispute between two States has already been adjudicated upon by this Court, which it is empowered to deal with, any unilateral law enacted by one of the parties that results in overturning the final Judgment is bad not because it is affected by the principles of res judicata but because it infringes the doctrine of separation of

powers and rule of law, as by such law, the legislature has clearly usurped the judicial power. ”

40. The dispute between the States related to the raising the level of the Mullaperiyar Dam and the Hon'ble Supreme Court had restrained the State of Kerala. A law was enacted by the State of Kerala fixing the storage height of the dam at 136 ft. It was under that circumstance that the Hon'ble Supreme Court held that the State of Kerala had nullified the 2006 Judgment and had usurped judicial power.

41. The facts in the present case are still more alarming. The learned Single Judge had adjudicated on merits after hearing arguments from all sides and issued certain directions. The plaintiff had then purchased four horses. They sought permission with the first defendant for registration and for training and for participating in the races. The first defendant, if they had any doubt whether to entertain such request should have, at least out of courtesy to the Court and to the Rule of Law sought clarification from the Court. They however have passed a resolution to circumvent the orders of the Court by disqualifying a 'Trust' from owning any horse. They have done that only because of the plaintiff is a 'Trust'. They have done so, but still

the first defendant, exhibiting eyewash humbleness stated that a decision cannot be taken on the application of the plaintiff since the matter is subjudice when actually the plaintiff has been nonsuited just as in the case cited ***Govind Sahai and Another (AIR 1968 SC 1513)*** referred supra. The second respondent therein was expelled from the Congress. The plaintiff has been expelled herein. The order of the Stewards Committee of the first defendant is bad because they have been encouraged to “*usurp judicial power.*”

42. I have no hesitation in holding, notwithstanding any resolution passed on 07.03.2020 or on any other date, the plaintiff's rights which have already been granted, **must be extended and safeguarded** until disposal of the suit. **Applications are allowed as prayed for.**

43. This is a fit case for costs to be imposed on the first defendant and accordingly, **costs of Rs.1/- lakh is imposed on the first defendant payable forthwith in the name of Dean, Rajiv Gandhi Government General Hospital, Periyar EVR Salai, Park Town, Chennai.** Let the first defendant atleast participate in the noble cause of extending their hand

to provide relief to unfortunate patients undergoing treatment in the said Government Hospital and thereby, to a small extent purge themselves of the act of disregrading the orders of this Court.

44. Applications allowed as prayed for with costs as above.

23.11.2020

Index: Yes/No

Web: Yes/No

Speaking order : Yes / No

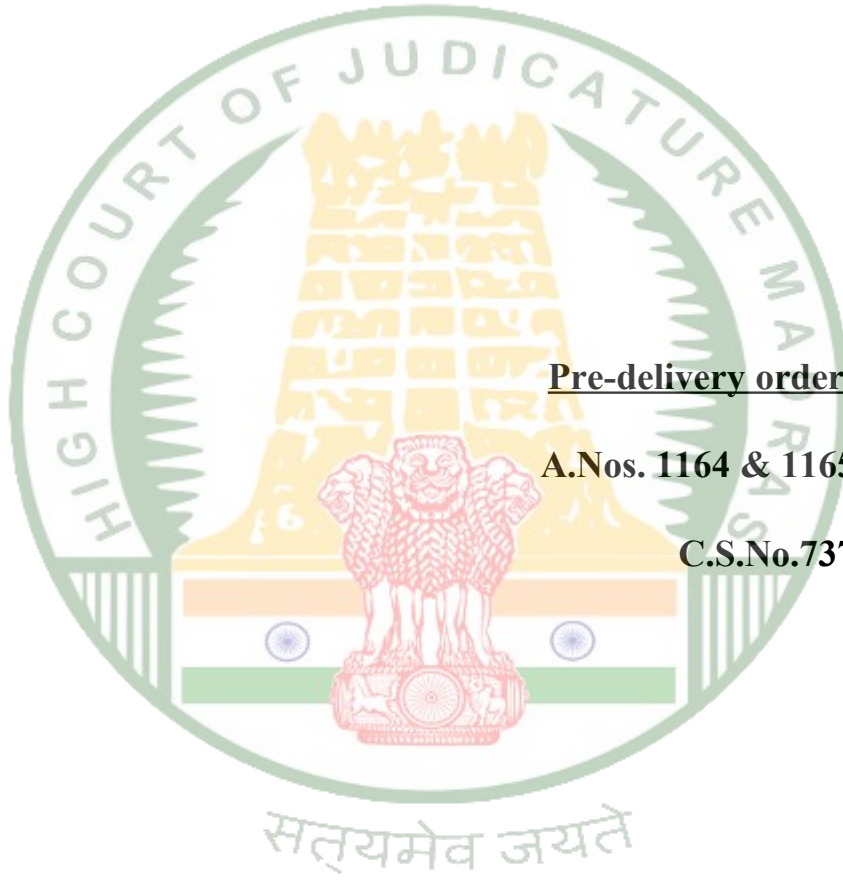
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C.V.KARTHIKEYAN, J.

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Pre-delivery order made in

**A.Nos. 1164 & 1165 of 2020
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