

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 21ST DAY OF JANUARY 2020

THE HON'BLE MR. JUSTICE M.SUNDAR

A.NO.9174 OF 2019

IN

C.S.NO.673 OF 2012

1. R.Jayaveera Pandian,
S/o.Rajan,
residing at No.63,
Village Highway,
Sholinganallur, Chennai-600 119.

2. N.Tamizharasan,
residing at 706-B,
MMDA, Mathur,
Chennai-600 068.

... Plaintiffs

-Versus-

1. L.M.Krishnasamy Nadar,
office at 18/1, New No.43,
Lattice Bridge Road, Adayar,
Chennai-600 020.

2. R.Mathivanan,
residing at No.23,
Pudupettai Garden Street,
Royapettah, Chennai-600 014.

3. R.S.Rajan,
residing at No.30,
West Kalmandapam Road,
Royapuram, Chennai-600 011.

4. S.Vijayarajan,
residing at No.96,
Greenways Road, R.A.Puram,
Chennai-600 028.

5. M.Ramaswamy,
residing at No.215,
Main Road, Poonamallee,
Chennai-600 056.

6. "Chennai" Vazh Kovilpatti Nadar,
Uravin Murai Sangam, **Regd. 45/84 (*)**,
rep. by its President,

18/1, New Door No.43,
Lattice Bridge Road,
Adyar, Chennai-600 020.

7. M/s.Crescent Auto Repairs and Services
India (Private) Ltd., rep. by its Director
A.K.Abdullah,
office at No.9, Cenotaph Road,
Alwarpet, Chennai-600 018. ... Defendants
- (*) Amended as per order dated
13.06.2016 in A. No.672 of 2015
and order dated 27.06.2016**

A.No.9174 of 2019:

1. R.Jayaveera Pandian,
S/o.Rajan,
residing at No.63,
Village Highway,
Sholinganallur, Chennai-600 119.

N.Tamizharasan (deceased) ... Applicants

-Versus-

1. L.M.Krishnasamy Nadar,
S/o.Muthappan Nadar,
office at 18/1, New No.43,
Lattice Bridge Road, Adyar,
Chennai-600 020.
2. R.Mathivanan,
residing at No.23,
Pudupettai Garden Street,
Royapettah, Chennai-600 014.
3. R.S.Rajan,
residing at No.30,
West Kalmandapam Road,
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residing at No.215,
Main Road, Poonamallee,
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6. "Chennai" Vazh Kovilpatti Nadar,
Uravin Murai Sangam, Regd.45/84(*),
rep. by its President,
18/1, New Door No.43,
Lattice Bridge Road,
Adyar, Chennai-600 020.
7. M/s.Crescent Auto Repairs and Services
India (Private) Ltd., rep. by its Director
A.K.Abdullah,
office at No.9, Cenotaph Road,
Alwarpet, Chennai-600 018. ... Respondents

Application praying that this Hon'ble Court be pleased to receive the additional documents i) Registration copy of the property purchased at Sholinga Nallur in the name of Chennai Vazh Kovilpatti Nadar Uravinmurai Sangam vide registered document No.4392 / 2011 , SRO Neelangarai dated 06.07.2011, Registration copy of the Property purchased at Mozur village in the name of Chennai Vazh Kovilpatti Nadar Uravinmurai Sangam Trust, (ii) vide registered document 9985 of 2011 dated 08.09.2011, iii) document No.11956 /2011 dated 21.10.2011, document No.11957 /2011 dated 21.10.2011, v). document No.13330/2011 dated 25.11.2011, vi) document No. 13331/2011 dated 25.11.2011 vii) 2038/2012 dated 29.02.2012 , viii) 2037/2012 dated 29.02.2012 ix) 6598/2013 dated 20.08.2013, x) cancelation of Reg.No.61/2006 passed by the District Registrar of Societies South Chennai dated 24.08.2016, xi) order dated 26.09.2016 passed by the District Registrar of Societies North Chennai in Sangam 45/1984 directed both the group redress their right before the Civil forum, xii) Statement of account dated 11.08.2017 filed by the 1st defendant in

A.No.587 of 2013 in C.S.No.673 of 2012 , xii) Advocate Commissioner appointed by this High Court on 12.12.2017 to conduct Sangam 45/1984 election, xiv) Report of the Advocate commissioner dated 17.01.2018 with newly elected office bearers, xv) Report of the Advocate Commissioner dated 26.07.2018 that he broke open the Sangam and handed the Sangam office to the newly elected office bearers pending disposal of the above suit.

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

Instant application has been taken out by the sole plaintiff with a prayer to receive additional documents *inter alia* under Order VII Rule 14 sub-rule (3) of 'The Code of Civil Procedure, 1908' ('CPC' for brevity).

2. Mr.Radhakrishnan, learned counsel for first respondent, who is the first defendant in the main suit, submits that the interest of the Sangam would be adequately safeguarded by the first respondent.

3.Considering that this application is only for receiving additional documents, these submissions are to be decided in the main suit. All these rights of the first defendant are preserved to be decided in the main suit and other interlocutory applications, if any.

4. The prayer in the instant application reads as follows:

<https://hcservices.ecourts.gov.in/hcservices/> 'To receive 15 additional documents i)

Registration copy of the property purchased at

Sholinga Nallur in the name of Chennai Vazh Kovilpatti Nadar Uravinmurai Sangam vide registered document No.4392/2011, SRO Neelangarai dated 06.07.2011; ii) Registration copy of the property purchased at Mozur village in the name of Chennai Vazh Kovilpatti Nadar Uravinmurai Sangam Trust vide registered document No.9985/2011 dated 08.09.2011; iii) document No.11956/2011 dated 21.10.2011; iv) document No.11957/2011 dated 21.10.2011; v) document No.13330/2011 dated 25.11.2011; vi) document No.13331/2011 dated 25.11.2011; vii) document No.2038/2012 dated 29.02.2012 ; viii) document No.2037/2012 dated 29.02.2012; ix) document No.6598/2013 dated 20.08.2013 x) cancellation of Reg.No.61/2006 passed by the District Registrar of Societies, South Chennai dated 24.08.2016; xi) Order dated 26.09.2016 passed by the District Registrar of Societies, North Chennai in Sangam 45/1984 directed both the group redress their right before the civil forum; xii) Statement of account dated 11.08.2017 filed by the 1st defendant in Appl.No.587/2013 in C.S.No.673/2012; xiii) Advocate Commissioner appointed by the Hon'ble High Court on 12.12.2017 to conduct Sangam 45/1984 election; xiv) Report of the Advocate Commissioner along with the name of the newly elected office bearers; xv) Report of the Advocate Commissioner dated 26.07.2018 that he broke open the Sangam and handed the Sangam office to the newly elected office bearers pending disposal of the above suit.'

<https://hcservices.ecourts.gov.in/hcservices/> With regard to the other respondents, there is no serious objection/opposition to the instant

application.

6. The prayer being as innocuous as it is, this Court deems it appropriate to accede to the prayer and allow this application albeit with usual rider/caveat that receiving of documents set out in the judges summons is subject to proof and relevance.

Sd/.M.S.J.

21.01.2020

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

SU/24.01.2020

COURT OFFICER

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