



CRP.(PD).No.419/2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRP.(PD).No.419/2019 & CMP.No.2815/2019

[Video Conferencing]

Rajmohan

.. Petitioner

Vs.

Thiruvarur Kannada Sainigar
Samooga Nala Munnetra Sangam
rep. By its President
Mr.Thiyagarajan
S/o. Venkatachalam
Having office at
No.60, I.B. Koil South Street,
Thiruvarur Taluk,
Thiruvarur District.

.. Respondent

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the Order and Decreetal Order dated 21.12.2018 made in I.A.No.510/2018 in O.S.No.130/2016 on the file of the learned District Munsif Court, Thiruvarur.

For Petitioner : Mr.S.Kingston Jerold
For Respondent : Mr.N.Palanivel

ORDER

(1) This Civil Revision Petition is directed against the order passed by the learned District Munsif Court, Thiruvarur in I.A.No.510/2018



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in O.S.No.130/2016.

(2) The revision petitioner is the defendant in the Suit in O.S.No.130/2016 on the file of the learned District Munsif Court, Thiruvarur. The Suit was filed by the respondent/plaintiff for permanent injunction restraining the revision petitioner/defendant from interfering with the peaceful possession and enjoyment of the Suit property by the respondent/plaintiff. The Suit property is described as an extent of 5964.6 sq.ft., comprised in four different survey numbers viz., T.S.No.2020/3, T.S.No.2043, T.S.No.2048 in Thiruvarur Town.

(3) In the written statement, the main contention raised by the revision petitioner/defendant is that the District Munsif Court has no jurisdiction to entertain the Suit in O.S.No.130/2016 under Tamil Nadu Societies Registration Act, 1975. Since, under Section 2 of the Act, '*Court*' means *City Civil Court "and elsewhere the District Court"*, it is submitted that the Suit in O.S.No.130/2016 having been filed before the District Munsif Court cannot be entertained. The defendant filed an application in I.A.No.510/2008 to frame preliminary issue, whether the District Munsif Court, Thiruvarur



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- has jurisdiction to tie the Suit.
- (4) The Interlocutory Application filed before the District Munsif Court was dismissed holding that the issue arise before the City Civil Court is not relating to any internal dispute regarding administration of the society but about the infringement of its right by an individual. Since, the injury is alleged by the society itself, the Lower Court was of the view that the application before the City Civil Court for enforcement of civil right can be maintained depends upon the pecuniary or territorial jurisdiction and not by reference to the definition of Court under Tamil Nadu Societies Registration Act, 1975.
- (5) The Lower Court also relied upon a few judgments of this Court to hold that the Suit in O.S.No.130/2016 cannot be dismissed on the ground that the District Munsif Court has no jurisdiction under the Tamil Nadu Societies Registration Act, 1975. Aggrieved by the order of the learned District Munsif Court, Thiruvarur the defendant has preferred the above Civil Revision Petition.
- (6) Learned counsel appearing for the revision petitioner/defendant submits that Section 2 of the the Tamil Nadu Societies



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Registration Act, 1975 defines the word 'Court' as “*a Court means, in the Presidency town, the City Civil Court and elsewhere, the District Court*”. The appellate power of Court is dealt with under the provision of Section 45 under the said Act which empowers the liquidator to exercise certain powers and to pass orders. Any person aggrieved by an order passed by the liquidator may appealing to the Court under Section 45 of the Tamil Nadu Societies Registration Act, 1975. The word 'Court' is not used for limiting the jurisdiction of Civil Court to decide any other Suit arises to seek common law remedy.

- (7) Therefore the word “Court” employed under the provision of Section 45 should mean the “District Court”. As it was pointed out by the Trial Court, the society came forward by alleging the definite cause of action against an individual for causing injury to its civil right.
- (8) The Suit in O.S.No.130/2016 has to be laid in terms of the provision of C.P.C., according to which, the location and value of Suit property will be taken note of for deciding its territorial and the pecuniary jurisdiction the Suit filed by the



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respondent/plaintiff. The Suit has been rightly presented before the District Munsif, Thiruvarur. It is not in dispute that the Suit property in O.S.No.130/2016 lies within the jurisdiction of the District Munsif Court, Thiruvarur and the learned District Munsif Court is competent having regard to the valuation of the property. The Suit in O.S.No.130/2016 which was filed in 2016 has now been successfully dragged by filing a petition in 2018 raising an issue regarding the jurisdiction of this Court. The objection with regard to the jurisdiction of the City Civil Court is unwarranted in this case. Since, the vexatious application has delayed the judicial process for considerable time, this Court is of the view the revision petitioner/defendant is liable to pay the cost of Rs.1000/-.

- (9) In the result, the Civil Revision Petition is **dismissed with a cost of Rs.1000/-[Rupees One Thousand only]**. Consequently, connected Civil Miscellaneous Petition is closed.

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cda

Internet : Yes

To

1.The District Munsif Court, Thiruvarur.



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S.S.SUNDAR, J.,

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