

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

**C.R.P.(PD) No. 2106 of 2018
and CMP. No. 12746 of 2018**

Community Party of India,
Cuddalore District Council,
represented by its District Secretary,
M.Sekar
14, Sakthi Nagar,
S.N.Chavadi
Cuddalore-1

... Petitioner

Vs

T.Manivasagam

... Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the fair and decreetal order dated 27.04.2018 made in CMA No.1 of 2016 on the file of the Principal Sub Court, Cuddalore, reversing the fair and decreetal order dated 18.11.2015 made in I.A.No.178 of 2015 in O.S.No.62 of 2015 on the file of the Additional District Munsif Court, Cuddalore.

For Petitioner : M/s.R.Meenal
For Respondent : Mr.Krishna Dath
for M/s.S.Arunachalam Associates

ORDER

This Civil Revision Petition is filed against the fair and decreetal order dated 27.04.2018 made in CMA No.1 of 2016 on the file of the Principal Sub Court, Cuddalore, reversing the fair and decreetal order dated 18.11.2015 made in I.A.No.178 of 2015 in O.S.No.62 of 2015 on the file of the Additional District Munsif Court, Cuddalore, thereby to grant permanent injunction restraining the respondent in any manner interfering with the petitioner on discharging his duty as District Secretary, Cuddalore Communist Party of India.

2. The petitioner is the plaintiff and the respondent is the defendant. The petitioner filed a suit for declaration, declaring that the party meeting was held on 23.02.2015 at Panruti, thereby elected the respondent herein as District Secretary, Cuddalore, which is illegal, ultra virus and void. The petitioner also sought for permanent injunction restraining the respondent from interfering with the petitioner on discharging his duty as District Secretary, Cuddalore Communist Party of India.

3. On perusal of the records, it reveals that the petitioner filed so many suits challenging the election of the State Secretary and also challenging the expulsion of the petitioner from the membership of the Communist Party of India. In fact, in the said suit, he filed a petition for interim injunction restraining the State Secretary i.e., second defendant in the suit, from functioning as the State Secretary and the same was dismissed by this Court an order dated 18.08.2015. That apart, in the said meeting, it was decided and a resolution was passed to have the Conference of Taluk Committees and local branches, so as to enable the Taluk Committees, local units to elect the proposed delegates for the District Conference. It was also decided to have the District Conference on 23.02.2015. As per the resolution passed on 20.01.2015, the District Conference was held on 23.02.2015 at Panruti. In the said process, 123 elected delegates were participated in the District Conference and elected the respondent as District Secretary for Cuddalore District. That apart, the District Secretary post is only for three years. After completion of the said post automatically it comes to an end, as per the By-laws of the Party. As such, the first

Appellate Court rightly reversed the findings of the Trial Court. Therefore, this Court finds no illegality or infirmity in the order passed by the Court below.

4. Accordingly, the Civil Revision Petition is dismissed. However, the suit is of the year 2015. The Trial Court is directed to dispose of the suit, within a period of twelve months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

16.06.2021

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Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No

To

1. The Principal Sub Judge,
Cuddalore.

2. The Additional District Munsif,
Cuddalore.

C.R.P.(P.D).No.2106 of 2018

G.K.ILANTHIRAIYAN.J,

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