

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

O.S.A.Nos.312 to 315 of 2018
and

C.M.P.Nos.14739 to 14742, 15899 to 15901,
16010, 16034 to 16036, 16062 to 16065,
16067 to 16071, 16090, 16125,
17038 to 17043 of 2018

1.Nellai Thoothukudi Nadar
Mahamai Paripalana Sangam,
Represented by its Secretary,
No.22/488, Pantheon Road,
Egmore, Chennai - 600 008.

2.V.T.Pathmanaban

... Appellants in all Appeals

Vs

1.V.S.Muthupandian
2.S.Balakrishnan
3.P.Ganesan
4.L.Arumugha Pandian Nadar,
4.V.Ananda Selvan

5.Nellai Thoothukudi Nadar
Mahamai Paripalana Sangam,
Educational Trust, Rep. by its General Secretary,
No.22/488, Pantheon Road,
Egmore, Chennai - 600 008.

7.R.Chandran Jeyapal
8.M.Marithangam
9.Nellai Nadar Matriculation Higher
Secondary School,
Rep. by its Correspondent,
No.3/590, Lakshmana Perumal Nagar,
Kottivakkam, Chennai - 600 041.

10.A.M.Vikrama Raja

... Respondents in all Appeals

COMMON PRAYER : Original Side Appeals filed under Order XXXVI Rule 1 of the Original Side Rules read with Clause 15 of the Letters Patent, praying to set aside the common fair and decreetal order dated 28.06.2018 made in Application No.4040, 4041 and 4042 of 2018, Original Application No.776 of 2016 in C.S.No.641 of 2016 by the Learned Single Judge and allow the same and dismiss the Suit in C.S.No.641 of 2016.

For Appellants in all Appeals:Mr.P.Wilson, Senior Counsel.

For Respondents in all Appeals:Mr.K.N.Nataraj for R1, R4 & R5.
R2 and R6 - No appearance.

Mr.B.Kannan for R3.

Mr.P.Premkumar for R7 & R8.

Mr.J.Balagopal, Special Government
Pleader for R9.

Mr.R.Thiagarajan for R10.

C O M M O N J U D G M E N T

(Judgment of the court was made by N.KIRUBAKARAN.J.,)

The matter was heard through "Video Conference".

2.These Appeals have been filed against the order of the Learned Single Judge directing the Election Officer, who has been already appointed by this Court, to conduct the election.

3.The First to Fifth Respondents filed a suit in C.S.No.641 of 2016 before the Original Side of this Court praying for following reliefs:-

"a) to formulate a scheme whereby the first defendant adheres to the bye laws of the constitution in the matter of electing the office bearers, board members of the nominating committee and thereby administer the day today activities of the societies and the management thereof in accordance with the spirit and letter of the constitution.

b)declaring that the Trust deed dated 30/06/2014 allegedly executed by the defendants 3 to 5 registered as Doc.No.191 of 2014 on the file of SRO, Periamet, Chennai as null and void, unenforceable in the eyes of law, since it is

made by impersonation, fraud and forgery, consequently declaring the transactions involving financial implications dealt by 3 to 5 defendants on behalf of 2nd defendant as null and void, not binding the 1st defendant society.

c) Permanent injunction, restraining the defendants 3 to 5 not to act as office bearers of the 1st defendant society since their extended tenure of office is illegal against law.

d) Permanent injunction, restraining the defendants-7 not to act as correspondent of the 6th defendant school which is under 1st defendant society since he misappropriated crore of rupees and criminal complaint is pending with Commissioner of Police, Chennai.

e) directing the defendant to pay the plaintiffs the costs of the suit;"

In the said suit, Applications have been filed in Original Application. No. 776 of 2016 and Appln. Nos. 4040, 4041 and 4042 of 2018. All the Applications have been disposed of by a common order dated 28.06.2018 by which the Learned Single Judge has directed the Election Officer/Observer to conduct the Election.

4. Heard Mr.P.Wilson, Learned Senior Counsel for the Appellants and Mr.K.N.Nataraj, Learned Counsel for First, Fourth and Fifth Respondents, Mr.B.Kannan, Learned Counsel for Third Respondent, Mr.P.Premkumar, Learned Counsel for Seventh and Eighth Respondents, Mr.J.Balagopal, Learned Special Government Pleader for Ninth Respondent and Mr.R.Thiagarajan, Learned Counsel for Tenth Respondent in all the Appeals.

5. It is reported by all the parties that the Election Officer conducted the Election and all the Officer Bearers took office and the administration of the Sangam is looked after by the Office Bearers and in view of the same, these Original Side Appeals have become infructuous.

6. Accordingly, these Appeals are dismissed as infructuous. No costs. Consequently, all the connected Miscellaneous Petitions are closed. However, it is made clear that the finding given by this Court is with regard to the disposal of the Appeals for the disposal of the suit and the decision taken by this Court will not have any bearing on the Suit.

7. It is seen that valuation of both the Suits' in C.S.Nos.641 of 2016 and 793 of 2017 are within Rs.1,00,00,000/-

(Rupees One Crore only). Hence, due to increase in pecuniary limits of jurisdiction, Registry is directed to transfer both the suits in C.S.Nos.641 of 2016 and 793 of 2017 to the City Civil Court, Chennai and post before same Court, together, for joint trial as the parties are one and the same.

Sd/-

Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

ay/Maya

To

The Sub Assistant Registrar,
Original Side Section,
High Court of Madras,
Chennai.

+1cc to Mr.R.Thiagarajan, Advocate SR.No.17234

+1cc to Mr.P.Premkumar, Advocate SR.No.17254

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AD(CO)
GMY(15/04/2021)

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