



WEB COPY



C.R.P.(NPD).No.2861 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.(NPD).No.2861 of 2021

S.Sankar (Alias) Raandilyachozhan

.. Petitioner

Vs.

South Indian Cinematographer Association,
No.7, 1st Floor, JVL. Arcade,
T.Nagar, 18 North Usman Road,
Chennai – 600 017.

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India challenging the order passed by the I Assistant City Civil Judge, Chennai in O.S.S.R.No.13743 of 2021 dated 27.10.2021 and praying to direct the I Assistant City Civil Judge, Chennai to number the O.S.S.R.No.13743 of 2021.

For Petitioner : Mr.T.S.Charles



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ORDER

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2. Even though the trial Court may not be right in rejecting the plaint on that ground, I find that the plaint cannot be entertained. The prayer in the attempted suit filed by the plaintiff is to direct the defendant to induct the plaintiff as a member of the defendant. The defendant is an Association of persons called South Indian Cinematographer's Association. The plaintiff would claim that he had sought membership in that Association on 27.07.2015 and the Association had neither admitted him nor rejected his request. Claiming that his civil rights are affected, the petitioner sought for the above relief.

3. I do not think that such a relief can be granted at a civil Court. Section 9 enable the civil Court to exercise jurisdiction where civil rights of the individual are at stake. The issue whether a person should be admitted as



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a member of Association or not, does not definitely, involve civil right. The Court cannot compel the defendant to admit the plaintiff as a member, because the plaintiff has no such right to insist that he should be admitted as a member. Only the existing right can be enforced through Court of law and not a non-existing right.

4. Hence, I do not see any necessity to entertain this Revision. Even though the order of the trial Court can be termed to be erroneous, because it has rejected the plaint since the writ petition filed in this Court was dismissed, the Revision fails and it is **dismissed**. No costs.

17.12.2021

dsa

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Speaking order

To

The I Assistant Judge,
City Civil Court, Chennai.

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R.SUBRAMANIAN, J.

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