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A.No.126 of 2022 in
C.S.No.199 of 2021

A.No.126 of 2022 in C.S.No.199 of 2020

P.VELMURUGAN, J.

The defendants 1, 2 , 4 and 13 in the above suit have filed the present application under Order VII Rule 11 seeking rejection of plaint. The respondents 1 & 2 are the plaintiff and they filed the above suit for declaration and permanent injunction with regard to the Annual General Body Meeting of the first applicant/1st defendant society and the subsequent resolutions.

2 The learned counsel appearing for the applicants would submit that the plaint does not disclose the cause of action and the suit is also bad for misjoinder of cause of actions. The cause of action stated by the respondents 1 & 2 in the present suit has reached its statutory period as mentioned in the suit prayers and the plaintiffs have to file a fresh suit. The learned counsel would further submit that once the cause of action seized to exist, the same cannot be extended further for carrying out amendment in order to bring out the new cause of action, which is not permissible under law. Therefore, at any angle the suit cannot be proceeded with and the plaint is liable to be rejected.



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3 Per contra learned counsel appearing for the first and respondents/plaintiffs would submit that as per Rule 15(d) of the Bye-law, the election shall be conducted once in three years and hence the next date for scheduled elections is on 20.10.2022 and when such be the case, without assigning any reasons for an early conduct of elections, pending this suit, even before the term of office bearers got expired, the applicants conducted another AGM on 21.03.2021 and selected a fresh set of office bearers automatically by reading out the already prepared list of office bearers for the period 21.03.2021 to 31.03.2014 without following any procedures and therefore it deserves to be declared as null and void. The plaint itself has clearly disclosed the cause of action and therefore there is no reason to reject the plaint and the plaint is not barred by law and hence the application has to be dismissed.

4 Heard the learned counsel appearing on either side and perused the materials available on record.

5 It is settled proposition of law that at the time of deciding application under Order VII Rule 11, the Court has to see the averments made in the plaint



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and documents annexed therein, not the defence taken by the defendants.

6 For the limited purpose of determining whether the suit is to be rejected under order VII Rule 11(a) or not, the averments in the plaint are only to be looked into. On a careful reading of the averments made in the plaint, this Court finds that the plaint disclosed cause of action to proceed with the suit. Further this court does not find any of the grounds under Order VII Rule 11 to reject the plaint.

7 For the foregoing reasons, the application is dismissed.

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