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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

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THE HONOURABLE **MR.JUSTICE KRISHNAN RAMASAMY**

C.S.No.239 of 2020

and

A.No.3189 of 2021

1.Virudhunagar District Gymnastics Association,
Rep. by its General Secretary,
Mr.P.Selvaraj

2.Thanjavur District Gymnastics Association,
Rep by its President,
Mr.S.K.Ramanathan

3.Karur District Gymnastics Association,
Rep by its General Secretary,
P.Satheesh Kumar.

... Plaintiffs

Vs.

1.Tamil Nadu Gymnastics Association,
Represented by its General Secretary,
Ms.Sharon Suares.

2.Mr.P.Prabhu

3.Mr.T.Kumar

4.Gymnastics Federation of India (GFI),
Rep by its President,
C-4/2, Ground Floor,
Safdarjung Development Area, Hauz khas,



New Delhi - 110 016.

5. Tamilnadu State Olympic Association,
Rep by its General Secretary,
Room No.78, Jawaharlal Nehru Stadium,
Chennai - 600 003.

... Defendants

PRAYER : Civil Suit filed under Order VII Rule 1 of CPC read with Order IV Rule 1 of OS Rules, prays for a Judgment and decree:

- (a) Granting an order of permanent injunction restraining the second and third Defendants and/or anyone acting on their behalf from conducting any Annual General meeting or elections for the Tamilnadu Gymnastics Association;
- (b) to conduct a free and fair election for the first defendant society for the year 2020-2024 within a timeframe fixed by this Hon'ble Court and consequentially direct the defendants four and five to accept the duly elected first defendant as the official State body for Tamilnadu for the sport of gymnastics;
- (c) and pass such further or other orders;

For Plaintiffs	: Mr.Krishna Ravindran
For D2 and D3	: Mr.S.Ramesh
For D4	: Mr.K.Moorthy
For D5	: Mr.R.Chandrasudan

**JUDGMENT**

The learned counsel for the plaintiffs submits that the main prayer in the suit is for restraining the second and third Defendants and/or anyone acting on their behalf from conducting any Annual General meeting or elections for the Tamilnadu Gymnastics Association. Now, the election itself has been conducted. Therefore, he submits that that the suit has become become infructuous and hence, prayed for dismissal of the suit as infructuous. In this regard, he has also made necessary endorsement on the reverse of Memorandum of Civil Suit.

2.The learned counsel for the plaintiffs further submits that the Application in A.No.3189 of 2021 has been filed to extend the time for filing the Advocate Commissioner's report.

3.Mr.L.Chandrakumar, the learned Advocate Commissioner submitted that he has already filed his report and also received the additional remuneration and submits that nothing survives in this Application.



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4. At this juncture, Mr. A.R.L. Sundaresan, learned Senior Counsel submits that challenging the said election, a suit has been filed, which is the subject matter to be adjudicated in C.S.No.357 of 2022.

5. In view of the submissions made by the learned counsel for the plaintiffs as well the endorsement made by the learned counsel for the plaintiffs, the Civil Suit is dismissed as infructuous. No costs. Consequently, the connected Application in A.No.3189 of 2021 is also dismissed as infructuous. The Registry is directed to return the eligible Court fee, if any, in accordance with law.

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Index : yes / no

Internet : yes / no

Speaking / non speaking



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KRISHNAN RAMASAMY, J.,

Tsg

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