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C.R.P.No.645 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2022

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

C.R.P.No.645 of 2014
and M.P.No.1 of 2014

P.V.S.Vencatasubramanian

... Petitioner

Vs.

1.K.C.Sukumar

2.Madras Gymkhana Club
Rep. by its Honorary Secretary,
The Islands Grounds,
Anna Salai, Chennai – 600 002.

3.Arvind Ramarathinam
President of Madras Gymkhana Club
The Islands Grounds,
Anna Salai, Chennai – 600 002.

4.Iswar Achanta
Honorary Treasurer of Madras Gymkhana Club,
The Islands Grounds,
Anna Salai, Chennai – 600 002.

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 04.02.2014 passed by the XVIII Additional City Civil Court, Chennai in I.A.No.1 of 2014 in O.S.No.11093 of 2010.



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For Petitioner : No Appearance

For Respondents : No Appearance

ORDER

This Civil Revision Petition has been filed by the 2nd defendant in the suit against the fair and final order passed in I.A.No.1 of 2014 in O.S.No.11093 of 2010 by the XVIII Additional City Civil Court, Chennai, dated 04.02.2014.

2.The 1st respondent/plaintiff filed a suit seeking for the relief of declaration and permanent injunction and for other consequential reliefs. During the pendency of the suit, an application was filed by the 1st respondent under Order XXIII Rule I of C.P.C., to permit him to withdraw the suit with liberty to file a fresh suit on the same cause of action. The Court below on considering the contentions raised by either side, allowed the application through order dated 04.02.2014. Aggrieved by the same, the present Civil Revision Petition has been filed before this Court by the 2nd respondent.



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3. When the matter was taken up for hearing on 08.04.2022, the learned counsel who was appearing for the petitioner submitted that he has already given change of vakalat and hence, requested this Court to record the same. The said fact was recorded. Even thereafter, the petitioner has not chosen to engage any other counsel till now. This Court cannot endlessly wait for the petitioner to engage a counsel and hence, the matter is dealt with on merits. It must be stated that the name of the petitioner has also been printed in the cause list.

4. The 1st respondent/plaintiff filed a suit mainly on the ground that the Club in its extraordinary General Meeting held on 20.03.2009, obtained an approval from the General Body for investment in Golf course to the tune of Rs.3.50 Crores even without obtaining a lease or sub lease on the property and without the written permission from the Estate Officer. The 1st respondent had sought for a declaration to declare this approval obtained in the General Body Meeting as illegal and null and void and not binding on the defendant Club. Initially the suit was filed before this Court and thereafter, it was transferred to the file of the Court below after there was an enhancement of the pecuniary



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jurisdiction for entertaining suit before this Court.

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5. When the suit was at the stage of trial, the 1st respondent came forward to file an application under Order XXIII Rule I of C.P.C., to permit him to withdraw the suit with liberty to file a fresh suit on the same cause of action. This application was filed on the ground that some other members of the Club also filed a comprehensive suit before the High Court in C.S.No.754 of 2010 and hence, the 1st respondent wanted to withdraw the suit and to implead himself in the pending suit in C.S.No.754 of 2010 and to agitate his grievance. In short, the 1st respondent did not want multiplicity of the proceedings and he wanted to agitate all his grievances in the comprehensive suit that was filed and pending before this Court.

6. The Court below on considering the plea made by the applicant found that the comprehensive suit was pending before the High Court on the same cause of action and it will be fit and proper if the applicant is permitted to agitate his grievances in the pending suit.



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7.This Court does not find any illegality or infirmity in the order passed by the Court below. The whole purpose of judicial proceedings is to avoid multiplicity of proceedings. If a comprehensive suit has been filed by the other members of the Club with a similar grievance and the 1st respondent also wants to join in the said suit, there cannot be any grievance on the side of the petitioner and therefore, the order passed by the Court below does not require the interference of this Court in exercise of its jurisdiction under Article 227 of the Constitution of India.

8.In the result, this Civil Revision Petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

05.12.2022

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

The XVIII Additional City Civil Court, Chennai.



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N. ANAND VENKATESH, J.

SSR

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