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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 22.11.2022

Pronounced on : 02.12.2022

CORAM

THE HONOURABLE MR. JUSTICE **C.V.KARTHIKEYAN**

O.A.Nos.450 and 467 of 2022
and
A.Nos.3175, 3176 and 3348 of 2022
in
C.S.No.153 of 2022

and

O.A.Nos.451 and 468 of 2022
and
A.Nos.3177 and 3349 of 2022
in
C.S.No.154 of 2022

Cause title in O.A.No.450 of 2022:-

1.K.Jacob

2.Cherian Abraham

3.Anu Varghese

4.John Joseph

... Applicants / Plaintiffs



Vs.

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1. The Madras Medical Mission,
(a Society registered under the Tamil Nadu
Society Registration Act, 1975)
Having its registered office at:
No.4-A, Dr.J.Jayalalitha Nagar,
Mogappair, Chennai – 600 037.

2.M.M.Phillip

... Respondents / Defendants

Prayer in O.A.No.450 of 2022:- This Original Application filed under Order XIV Rule 8 of the O.S Rules and under Order XXXIX Rule 1 & 2 of C.P.C., prayed,

(i) to grant an order of interim injunction restraining the 2nd respondent / 2nd defendant from implementing the impugned notices dated 15.07.2022 and 25.07.2022 calling for nomination to the Governing Board of the 1st defendant Society and declaring the results of the election pending disposal of the suit.

(ii) to grant a mandatory injunction directing the 1st defendant Society to permit the plaintiffs to participate in the elections to be held, if any, to the Governing Board of the 1st defendant Society pending disposal of the Suit.

(iii) to appoint a Judge Commissioner to conduct the elections to the Governing Board of the 1st defendant Society for the year 2021 – 2024 as per the By-laws.



For Applicants : Mr.Vijay Narayan, Senior Counsel,
Mr.Satish Parasaran, Senior Counsel,
for Mr.Hari Radhakrishnan

For R1 : Mr.S.Silambanan, Senior Counsel
For Mr.Hallel Ben

For R2 : Mr.Thomas T Jacob

COMMON ORDER

Though the Applications have been filed in two separate Civil Suits, since the issues raised are the same and as a matter of fact, the relief sought in the two Civil Suits are also the same, and the plaintiffs in the two Suits have expressed common grievance against the defendants in the two Suits and have also sought the same reliefs, it would only be prudent that all the Applications are taken up together and a common order is passed.

2.Both C.S.No.153 of 2022 and C.S.No.154 of 2022 have been filed against the same two defendants namely, the Madras Medical Mission, (a Society registered under the Tamil Nadu Societies Registration Act, 1975), Chennai and M.M.Phillip, residing at Chennai.



WEB COPY 3.C.S.No.153 of 2022 had been filed by four plaintiffs,

Dr.K.Jacob, Cherian Abraham, Anu Varghese and John Joseph and C.S.No.154 of 2022 had been filed by Joseph Abraham. In both the suits, the reliefs sought are for a declaration that the notices dated 15.07.2022, 25.07.2022 and 01.08.2022 issued by the 2nd defendant calling for nominations for contesting the elections for the terms 2021 - 2024 and 2022 - 2025 for the Governing Board of the 1st defendant society and the declaration of the results of the elections as illegal and null and void and for permanent injunction restraining the 2nd defendant from giving effect to the notices dated 15.07.2022, 25.07.2022 and 01.08.2022, calling elections to the Governing Body of the 1st defendant society for the aforementioned terms and from declaring the results of the election and for mandatory injunction directing that the elections to the Governing Board of the 1st defendant society for the terms 2021 – 2024 and 2022 – 2025 to be conducted under the supervision and control of a Judge Commissioner to be appointed by this Court and for costs of the suit.



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4. In C.S.No.153 of 2022 the plaintiffs have sought an additional relief, namely, seeking a mandatory injunction directing the 1st defendant society to permit them to participate in the elections to the Governing Board of the 1st defendant society.

5. It is thus seen that the reliefs sought in the two suits are the same.

6. In both the suits, Interlocutory Applications have been filed and have been argued at length. Common arguments had been advanced with respect to the issues raised and contested. This is an additional factor for a common order being passed in the Applications in the two separate Civil Suits.

7. O.A.No.450 of 2022 in C.S.No.153 of 2022 and O.A.No.451 of 2022 in C.S.No.154 of 2022 have both been filed seeking an order of interim injunction restraining the 2nd defendant from implementing the notices dated 15.07.2022 and 25.07.2022 and O.A.No.467 in C.S.No.153 of 2022 and O.A.No.468 of 2022 in C.S.No.154 of 2022 have been filed seeking a similar restraint against the 2nd defendant with respect to the



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notice dated 01.08.2022. It is thus seen that the issues in all the four

Original Applications overlap.

8.A.No.3176 of 2022 and A.No.3348 of 2022 both in C.S.No.153 of 2022 and A.No.3177 of 2022 and A.No.3349 of 2022 both in C.S.No.154 of 2022 have been filed by the plaintiffs in the respective suits seeking appointment of a Judge Commissioner to conduct the elections to the Governing Body for the terms 2021 – 2024 and 2022 – 2025. A.No.3175 of 2022 in C.S.No.153 of 2022 had been filed by the plaintiffs seeking a mandatory injunction to permit the plaintiffs to participate in the elections to the Governing Board of the 1st defendant society.

9.Even before examining the averments made in the affidavit and in the counter affidavit, it must be pointed out that the reliefs sought in the Original Applications and Interlocutory Applications are practically the same as sought in both the suits. This aspect was pointed out during the course of arguments and it was urged on behalf of the defendants that any order passed would render a final judgment be given in the two suits without the parties being afforded an opportunity to tender evidence on



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the issues raised. This contention has been contested by the learned Senior Counsels appearing on behalf of the plaintiffs by stating that the orders in the Interlocutory Applications would only be a step in aid to determine the reliefs sought in the Civil Suits.

10.It must however be pointed out that though it is a fact that the reliefs in the Applications and in Civil Suits overlap, there is a duty cast on the Court to examine the issues raised and if a case is made out, direct elections to be conducted since a Society is a body comprised of individuals who have a common object in mind, it would always be in their interest that an elected body is put in place to take forward the objects for which the society was formed.

11.It must also be pointed out that as on date, it had been the common grievance of both the plaintiffs and the defendants that the Governing Body, lacks quorum and therefore, it would only be appropriate that the issues are examined and the applications are considered on merits.



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12.Both the suits have been filed by members of the 1st defendant society, the Madras Medical Mission at Chennai. The said society was established in the year 1982 as a charitable society with the object to establish and run hospitals, dispensaries, poor homes, orphanages, rural and mobile medical centres and similar institutions to serve the poor and needy in and around Chennai, irrespective of caste, creed or religion. The 1st defendant society also has the object to establish and run educational institutions and colleges, focused particularly on the medical field and with special reference to members of the Christian Community

13.I fervently hope that members who proclaim to fulfil those noble object would put their personal vendetta in the background and strive to achieve those objects without any strife among themselves. The present litigations however belie such expectation and it is evident that the members have launched into a full scale assault on each other on each and every aspect. I also fervently hope that the members would realize that a fractured unity would not be in their best interests.

14.The only difference between the plaintiffs in C.S.No.153 of 2022 and the plaintiff in C.S.No.154 of 2022 is that the plaintiffs in C.S.No.153 of 2022 are suspended members and they have therefore sought an additional relief seeking permission to participate in elections.



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The plaint and the affidavits in both the suit and also the counter affidavits are replicates of each other and therefore, in order to understand the facts, I would narrate in common the facts in all the Applications.

15.It must be mentioned that the 1st defendant society as on date, comprises of 156 members. It had been repeatedly stated during the arguments that these members are from the higher echelons of society. It is also stated that they are financially extremely sound. I would rather they also keep in mind the ethics of harmony and peace.

16.The Governing Board of the 1st defendant society has a maximum of 21 members elected from among the life members. Seven members retire every year by rotation. The term is for three years. This would indicate that every year and it is claimed that in the month of September, elections would be called for, seven posts are to be filled in the Governing Body. Those elected would serve for a period of three years. The present Suits are concerned with the elections for the term 2021 – 2024 and 2022 to 2025.



17.It is the contention of the plaintiffs that by notice dated 15.07.2022 elections were called to fill up seven posts for the term 2021 – 2024 and the results were also declared on 25.07.2022. Claiming serious prejudice by the notice calling for elections and by the notice declaring the results, both the Suits have been filed. Later pending the two suits, the 2nd defendant who contends to be the secretary of the 1st defendant, but which contention is seriously disputed by the plaintiffs, had called for elections for the term 2022 – 2025. This has necessitated an amendment application to be filed in the two Suits to also incorporate the relief questioning that particular notice dated 01.08.2022.

18.Heard arguments advanced by Mr.Vijay Narayan, learned Senior Counsel and by Mr.Satish Parasaran, learned Senior Counsel for the plaintiffs and by Mr.S.Silambanan, learned Senior Counsel for the 1st defendant and also by Mr.Thomas T.Jacob, learned counsel for the 2nd defendant.

19.It shall be more convenient to refer the parties as plaintiffs and defendants.



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20.Mr.Vijay Narayan, learned Senior Counsel, pointed out that nominations to contest for elections to the Governing Body of the 1st defendant society should be called in the month of August every year. The Governing Body consists of 21 members. Elections were to be conducted for seven posts and by rotation, there was resignation of seven members. The period was for three years. Learned Senior Counsel stated that during the year 2017, a money committee was formed owing to allegations raised against the plaintiffs in C.S.No.153 of 2022. He stated that even without putting the matter before the General Body, a private firm was appointed to examine the issues. He also stated that the plaintiffs were placed under suspension and in this connection, the learned Senior Counsel pointed out the letter issued by the 2nd defendant, wherein it had been very specifically stated that the period of suspension was only for a period of six months. The learned Senior Counsel, pointed out that this period had long since expired and even if it is to be taken that there was an order of stay by this Court and that period was calculated, still the period of six months has expired. The learned Senior Counsel further pointed out that the purpose for suspension was only to ensure that the enquiry was conducted without any interference and in this connection, stated that as on date, the enquiry had been concluded. It



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was therefore contended that it should be deemed that the period of suspension has lapsed.

21.The learned Senior Counsel pointed out that the actual membership of the society was 133 and the 2nd defendant had added 23 members, extending membership to spouses of the founding members. He stated that a separate suit had been filed questioning that particular addition of members.

22.Learned Senior Counsel then stated that this Court appointed Mr.Justice K.Kannan, former Judge of this Court and of Punjab and Haryana High Court as the Judge Commissioner to conduct the elections for the term 2020 – 2023. Elections were conducted by virtual method successfully. He was stated that for the period 2021 – 2024, notice dated 15.07.2022 had been issued by the 2nd defendant, but the notices were posted only on 18.07.2022 and sufficient time was not available to decide whether nomination can be filed or not. Learned Senior Counsel further pointed out that many of the members are advanced in age and many of them are also residing outside Chennai and it was therefore insisted by the learned Senior Counsel that the elections should again be



conducted for the terms 2021 – 2024 and 2022 – 2025 through virtual method as conducted by Mr.Justice K.Kannan for the term 2020-2023.

23.The learned Senior Counsel pointed out the process adopted by Mr.Justice K.Kannan and stated that no complaints had been received regarding the procedure adopted. He also stated that pending the suits, the 2nd defendant had issued yet another notice dated 01.08.2022 calling for elections for the term 2022 – 2025. It was therefore contended that an application was filed questioning such notice and amendment applications to that effect had been allowed.

24.The learned Senior Counsel further stated that the 2nd defendant had declared the results on 25.07.2022 for the term 2021 – 2024 and stated that such declaration of results was on the last date of filing of nominations and that sufficient time for withdrawal of nominations was not granted. The entire process was therefore seriously assailed by the learned Senior Counsel. It was again reiterated that this Court should step in and direct elections to be conducted afresh for the term 2021 – 2024 and also conduct elections for the term 2022 - 2025. It was urged that the method of election should be through online and the learned



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Senior Counsel stated that this is required taking into consideration, the advanced age of many of the members and the fact that many of the members are also residing outside Chennai.

25. The learned Senior Counsel relied on the judgment reported in *(2004) 4 SCC 697, Deoraj Vs. State of Maharashtra and others*, wherein the Hon'ble Supreme Court examined a situation where it was contended that the interim reliefs sought overlapped the final relief. The Hon'ble Supreme Court had observed as follows:

“12. Situations emerge where the granting of an interim relief would tantamount to granting the final relief itself. And then there may be converse cases where withholding of an interim relief would tantamount to dismissal of the main petition itself; for, by the time the main matter comes up for hearing there would be nothing left to be allowed as relief to the petitioner though all the findings may be in his favour. In such cases the availability of a very strong prima facie case — of a standard much higher than just



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*prima facie case, the considerations of balance of convenience and irreparable injury forcefully tilting the balance of the case totally in favour of the applicant may persuade the court to grant an interim relief though it amounts to granting the final relief itself. Of course, such would be rare and exceptional cases. **The court would grant such an interim relief only if satisfied that withholding of it would prick the conscience of the court and do violence to the sense of justice, resulting in injustice being perpetuated throughout the hearing, and at the end the court would not be able to vindicate the cause of justice.** Obviously such would be rare cases accompanied by compelling circumstances, where the injury complained of is immediate and pressing and would cause extreme hardship. The conduct of the parties shall also have to be seen and the court may put the parties on such terms as may be prudent.”*

(Emphasis Supplied)



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26. With respect to the non-joinder of necessary parties, namely non-joinder of the returning officers and the elected candidates, the learned Senior Counsel for the plaintiffs drew reference to the judgment reported in **(1992) 2 SCC 524, Ramesh Hirachand Kundanmal v. Municipal Corporation of Greater Bombay and others**. The Hon'ble Supreme Court had stated as follows:

*“10. The power of the Court to add parties under Order 1 Rule 10, CPC, came up for consideration before this Court in **Razia Begum [1959 SCR 1111 : AIR 1958 SC 886]**. In that case it was pointed out that the courts in India have not treated the matter of addition of parties as raising any question of the initial jurisdiction of the Court and that it is firmly established as a result of judicial decisions that in order that a person may be added as a party to a suit, he should have a direct interest in the subject matter of the litigation whether it be the questions relating to movable or immovable property.*

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13. A clear distinction has been drawn between suits relating to property and those in which the subject matter of litigation is a declaration as regards status or legal character. In the former category, the rule of present interest as distinguished from the commercial interest is required to be shown before a person may be added as a party.

*14. It cannot be said that the main object of the rule is to prevent multiplicity of actions though it may incidentally have that effect. But that appears to be a desirable consequence of the rule rather than its main objective. **The person to be joined must be one whose presence is necessary as a party.** What makes a person a necessary party is not merely that he has relevant evidence to give on some of the questions involved; that would only make him a necessary witness. It is not merely that he has an interest in the correct solution of some question involved and has thought of relevant arguments to advance. The only reason which makes it necessary to make a person a party to an*



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action is so that he should be bound by the result of the action and the question to be settled, therefore, must be a question in the action which cannot be effectually and completely settled unless he is a party. **The line has been drawn on a wider construction of the rule between the direct interest or the legal interest and commercial interest.** It is, therefore, necessary that the person must be directly or legally interested in the action in the answer, i.e., he can say that the litigation may lead to a result which will affect him legally that is by curtailing his legal rights. **It is difficult to say that the rule contemplates joining as a defendant a person whose only object is to prosecute his own cause of action.** Similar provision was considered in *Amon v. Raphael Tuck & Sons Ltd.* [(1956) 1 All ER 273 : (1956) 1 QB 357] , wherein after quoting the observations of Wynn-Parry, J. in *Dollfus Mieg et Compagnie S.A. v. Bank of England* [(1950) 2 All ER 605, 611] , that their true test lies not so much in an analysis of what are the constituents of the applicants' rights, but rather in what would be the result on the subject



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matter of the action if those rights could be established,

Devlin, J. *has stated:*

“The test is ‘May the order for which the plaintiff is asking directly affect the intervener in the enjoyment of his legal rights’.”

(Emphasis supplied)

27.Mr.Satish Parasaran, learned Senior Counsel stated that the contention of the defendants in their counter regarding non-joinder of returning officers and the returned candidates which cannot be countenanced since it was only the 2nd defendant who had called for the elections and who had declared the results. It was therefore contended that the returning officers are neither necessary parties nor proper parties. Further since the elections vitiated the returned candidates can never claim any privilege. With respect to the contentions raised by the defendants that the relief sought in the Interlocutory Applications are the same as sought in the suits, the learned Senior Counsel stated that the reliefs sought in the application are only a step in aid to decide the issues in the main suit. It was pointed out by the learned Senior Counsel that there was no quorum in the Governing Body and therefore, the Court



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should step in and call for elections. Learned Senior Counsel further stated that statutory requirements have to be fulfilled and this required the Annual General Body meeting should be conducted and therefore, it was urged that elections will have to be called for. It was further contended that the insistence that all the members should come in person to vote, is a condition which could not be satisfied by the members themselves and that the 2nd defendant should have necessary respect for the age of the members of the society. The learned Senior Counsel also pointed out Section 15(3) of the Tamil Nadu Societies Registration Act, 1975. The said provision is as follows:

“15(3).The members of the committee shall be appointed at a meeting of the society by a resolution of a majority of the members present and entitled to vote thereat.”

28.It is contended that the Court should ensure that there was compliance of this statutory requirements.



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29.Mr.S.Silambanan, learned Senior Counsel, who advanced arguments on behalf of the 1st defendant, stated that the elections for the term 2021 – 2024 had been conducted in accordance with procedure stipulated in the Bye-Laws and that the results have also been declared. He was insistent in urging that there was no infirmity in the declaration of the results. Learned Senior Counsel pointed out that the returning officers had declared the results and pointed out that the returning officers have not been made parties to the suit. It was very specifically contended that the society has to conduct its Annual General meeting and the results of the term 2021 – 2024 will have to be accepted by this Court. The learned Senior Counsel stated that there had been no averments questioning the bonafide of the seven elected candidates elected for the term 2021 – 2024 and pointed out that they have also not made as parties to the suit. With respect to the elections for the term 2022 – 2025, the learned Senior Counsel pointed out that elections should be held inconformity with the Bye Laws. It was stressed that the plaintiffs have dragged the 1st defendant to Courts by filing multiple suits. The bonafide of the plaintiffs was seriously assailed by the learned Senior Counsel.



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30.Mr.Hallel Ben, learned counsel who also argued for the 1st defendant also pointed out that the returning officers had not been made parties to the suits. Further the elected candidates for the term 2021 – 2024 were also not made parties to the suit. The learned counsel, contended that the plaintiffs could very well have addressed the 1st and 2nd defendants raising their grievances and if necessary communication had been received, then the same could have been answered. But the plaintiffs have taken the route of filing multiple suits questioning every communication. It was stressed by the learned counsel that all the applications should be dismissed.

31.Mr.Thomas T Jacob, learned counsel for the 2nd defendant pointed out that the 2nd defendant had been elected as the Secretary and has been discharging duties as the Secretary keeping in mind the interest of the society alone. It was pointed out by the learned counsel that several instances of financial inappropriateness by the plaintiffs in C.S.No.153 of 2022 were detected and the learned counsel pointed out that to more specifically examine those allegations, a private audit firm had been appointed. The plaintiffs had been suspended by resolution of the Governing Body. An enquiry officer had been appointed. He had



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submitted his report. It was pointed out that forensic audit had also been undertaken. It was therefore stated that the materials will have to be placed before the General Body and it was to avoid that possibility were suit after suit been filed on every issue.

32.The learned counsel stated that the plaintiffs could have addressed the 2nd defendant if they had any grievance. They had however filed suits straight away. The learned counsel stated that when the Arch Bishop files nomination there is always no contest and therefore for the term 2021 – 2024, since there was no contest and since there was no expression to withdraw the candidatures, election results was declared on 25.07.2022.

33.The learned counsel pointed out that election are due for the term 2022 – 2025 and for that purpose, notice dated 01.08.2022 had been issued by the 2nd defendant. The learned counsel pointed out that the actions of the 2nd defendant can never be imputed. It was only in the interest of the society.



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34. With respect to voting through virtual mode, learned counsel raised objections claiming that there can never be a free and fair election and threat of coercion can never be ruled out, if the elections are conducted through online method. The learned counsel reiterated that elections will have to be conducted with participation by those present.

35. The learned counsel relied on the judgment reported in **(2008) 17 SCC 491, Bachhaj Nahar Vs. Nilima Mandal and Ors.** The Hon'ble Supreme Court had held as follows:

“13. The object of issues is to identify from the pleadings the questions or points required to be decided by the courts so as to enable parties to let in evidence thereon. When the facts necessary to make out a particular claim, or to seek a particular relief, are not found in the plaint, the court cannot focus the attention of the parties, or its own attention on that claim or relief, by framing an appropriate issue. As a result the defendant does not get an opportunity to place the facts and contentions necessary to repudiate or challenge such a claim or



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relief. Therefore, the court cannot, on finding that the plaintiff has not made out the case put forth by him, grant some other relief. The question before a court is not whether there is some material on the basis of which some relief can be granted. **The question is whether any relief can be granted, when the defendant had no opportunity to show that the relief proposed by the court could not be granted.** When there is no prayer for a particular relief and no pleadings to support such a relief, and when the defendant has no opportunity to resist or oppose such a relief, if the court considers and grants such a relief, it will lead to miscarriage of justice. Thus it is said that no amount of evidence, on a plea that is not put forward in the pleadings, can be looked into to grant any relief.

22. The observation of the High Court that when a plaintiff sets forth the facts and makes a prayer for a particular relief in the suit, he is merely suggesting what the relief should be, and that it is for the court, as a matter of law, to decide upon the relief that should be granted, is not sound.



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Such an observation may be appropriate with reference to a writ proceeding. It may even be appropriate in a civil suit while proposing to grant as relief, a lesser or smaller version of what is claimed. But the said observation is misconceived if it is meant to hold that a civil court may grant any relief it deems fit, ignoring the prayer.

23. It is fundamental that in a civil suit, relief to be granted can be only with reference to the prayers made in the pleadings. That apart, in civil suits, grant of relief is circumscribed by various factors like court fee, limitation, parties to the suits, as also grounds barring relief, like res judicata, estoppel, acquiescence, non-joinder of causes of action or parties, etc., which require pleading and proof. Therefore, it would be hazardous to hold that in a civil suit whatever be the relief that is prayed, the court can on examination of facts grant any relief as it thinks fit. In a suit for recovery of rupees one lakh, the court cannot grant a decree for rupees ten lakhs. In a suit for recovery possession of property 'A', court cannot grant possession



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of property 'B'. In a suit praying for permanent injunction, court cannot grant a relief of declaration or possession. The jurisdiction to grant relief in a civil suit necessarily depends on the pleadings, prayer, court fee paid, evidence let in, etc.

(Emphasis Supplied)

36. The learned counsel also relied on **(1991) 1 SCC 441 : AIR 1991 SC 409, Om Prakash and Ors. Vs. Ram Kumar and Ors.** The Hon'ble Supreme Court held as follows:

*“4.A party cannot be granted a relief which is not claimed, if the circumstances of the case are such that **the granting of such relief would result in serious prejudice to the interested party and deprive him of the valuable rights under the statute.**”*

(Emphasis supplied)

37. With respect to pleading which are unnecessary, the learned counsel also relied on **Philipps Vs. Philipps and others, the Court of Appeal, Queen's Bench Division, 1878 Vol. IV. 127**, wherein, it had



been held as follows:

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“It is impossible that a plaintiff can plead embarrassing pleadings contrary to the rules that have been framed for making them clear and distinct, on the surmise that there may be a difficulty in stating that which the rules require. The object of the rules is threefold. It is that the plaintiff may state what his case is for the information of the defendant, and that the plaintiff may be tied down to it and not spring a new case on the defendant; secondly, that the defendant may be at liberty to say, that the statement is not sufficient in point of law, and to raise the point on demurrer; and thirdly, that the defendant, instead of being driven to deny everything by an ambiguous and uncertain statement involving conclusions of law as well as actual facts, and so going down to try an expensive issue, may be at liberty to single out any one statement, and to answer it. That cannot be done here.”

(Emphasis Supplied)



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38.It was further observed:

*“The plaintiff must state that facts which are material for the purpose of enabling the defendant to go to trial, knowing what the issue he really has to meet is, and what is the question between him and the plaintiff, so that he may not be there taken by surprise, and the real question between the parties fail to be decided in consequence of insufficient allegations of the plaintiff. **The statement of claim, of necessity, must set out all the facts material to prevent the defendant being taken by surprise, because it is the first pleading, and that which out to be referred to for the purpose of seeing whether there is a cause of action.***

.....

*What particulars are to be stated must depend on the facts of each case. But in my opinion it is absolutely essential that **the pleading, not to be embarrassing to the defendants, should state those facts which will put the defendants on their guard and tell them what they***



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have to meet when the case comes on for trial.”

(Emphasis Supplied)

39.I have carefully considered the materials on record and the arguments advanced.

40.The issues which have to be examined in all these applications are:

(i).Whether the notice dated 15.07.2022 by which notice, nominations were called for seven posts of the Governing Body for the term 2021 – 2024, had been issued with bonafide intention by the 2nd defendant acting as the Secretary of the 1st defendant?;

(ii).Whether the declaration of results by notice dated 25.07.2022 was proper or whether it suffered from any illegality?; and

(iii).Whether the 2nd defendant had the right to call for nominations for the seven posts of the Governing Body for the term 2022 – 2025 by notice dated 01.08.2022?

41.These are broad aspects to be examined in the present applications. For reasons which this Court need not devolve into at the



present the four plaintiffs in C.S.No.153 of 2022 have been suspended by a letter issued by the 2nd defendant, in his capacity as Secretary of the 1st defendant.

42.By the said letter it has to be implied that they have been declared ineligible to either contest for the post of the Governing Body or even to vote for any other candidate during the elections. Questioning such suspension, they have filed C.S.No.364 of 2020 and the suit is pending.

43.The corollary issue which has to be considered in these Applications particularly in C.S.No.153 of 2022 is whether the plaintiffs therein can be permitted to contest the elections or to at least permitted to vote during the elections for any other candidate.

44.The adjudication of the issues would require determination whether the declaration of results for the term 2021 – 2024 by notice dated 25.07.2022 can be upheld or whether elections will have to be called for by this Court for that term also. The further issue which will have to be determined is whether elections which have to be necessarily



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conducted for the term 2022 – 2025 should be conducted by the 1st defendant themselves or whether the Court supervision is required and by what method should the election / elections be held.

45.The 1st and the 2nd plaintiffs in C.S.No.153 of 2022 were Secretary and Treasurer of the 1st defendant society. In the year 2017, a 'Money Committee' was formed. A report was received. A requisition was issued to call for an Extraordinary General Body Meeting to be conducted on 22.06.2019. The grievance of the plaintiffs in both the suits is that though there was no specific agenda in the Extraordinary General Body Meeting two resolutions were proposed namely, to appoint an Audit Committee and to suspend the 1st and 2nd plaintiffs in C.S.No.153 of 2022 from all positions in the society. The 2nd defendant took charge as the Secretary of the 1st defendant. He issued a notice dated 19.10.2020 suspending all the four plaintiffs in C.S.No.153 of 2022 from their privileges of membership of the 1st defendant society.

46.The primary privilege which is now sought is to participate in the elections and / or to vote during elections.



47.A dispute had been raised whether the term of such suspension was for a period of six month or was till the enquiry which had been initiated was completed and report submitted or was for an indefinite period. Suffice to point out they still remain suspended. They were not permitted to participate in the elections for the term 2021 – 2024 which are the subject matter of the notices dated 15.07.2022 and 25.07.2022.

48.It must be mentioned that for the term 2020 – 2023, by orders of a learned Single Judge of this Court (*V. Parthiban, J.*), Justice K.Kannan, a former Judge of this Court and of the Punjab and Haryana High Court, was appointed as Judge Commissioner. Since those elections were conducted in the midst of Covid – 19 pandemic, the Judge Commissioner had conducted the elections through virtual mode. A report had been submitted and order dated 10.08.2022 had been subsequently passed declaring the results of those elections by another learned Single Judge of this Court (*P.Velmurugan, J.*) in O.A.No.686 & 687 of 2020 in C.S.No.364 of 2020.

49.It must also be pointed out that the 2nd defendant had, after assuming office as Secretary, proposed and inducted 23 further members



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who were spouses of founding members. The total number of 156 members can be thus broadly classified into three groups, namely, (a) Members who remain – 129, (b) Members who have been suspended – 4 and (c) Members who had been newly inducted – 23.

50. The Judge Commissioner in his report had given the results of the votes polled by the candidates and had given the votes polled for each candidate by all the 156 members, by only the 129 members, by the 129 members and 4 suspended members and by the 129 members and 23 newly inducted members.

51. The learned Single Judge, who passed the order had declared the results of the elections in accordance with the votes polled by all the 156 members which included the 4 suspended members and also the 23 newly inducted members. To the knowledge of this Court, there has been no challenge to that particular order. Thus, there is at least one judicial order available wherein, the 4 suspended members and the 23 newly inducted members have also been categorized as members of the society. They have not been excluded from the privilege of voting during the elections. This fact is stated as an indicator alone.



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52.To determine, whether the notice dated 15.07.2022 by which elections were called for seven posts for Governing Body for the term 2021 – 2024 can be sustained a discussion is also required whether the 4 suspended members should also have been informed about the elections and should have been permitted to participate in the elections. Even though their suspension is the subject matter of a separate suit, since it is imperative to take a decision whether or not to permit them to participate in the election, it is required to examine the notice actually suspending them from the privilege of participating in the elections. That notice was dated 19.10.2020. The relevant portions of the notice is extracted below for ready reference:

“4.After deliberating on the above matters and confirming that prima facie evidence related to the above charges were indeed available, the members of the Governing Board were of the considered view that these charges need to be impartially and independently enquired into and hence all the eight (8) members present at the meeting unanimously decided, subscribing their signatures to the proposed actions / decisions, as follows:



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“The above decisions are hereby approved by the members present at the Meeting of the Governing Board of The Madras Medical Mission Society held on 15th October 2020 at the GRT Grand Hotel, Chennai 600 017 at 6.30 pm.”

*5. Under the above circumstances, please note that the former office-bearers concerned (Dr.K.Jacob, Mr.Cherian Abraham, Mr.John Joseph and Mr.Anu Varghese), which includes your good self, **remain suspended from the privileges of membership** other than that of any medical need, **for six (6) months beginning 15th October 2020 in order to temporarily prevent interfering with the proposed enquiry** by influencing the members of the MMM or the employees or other stake holders of its units during the course of the enquiry which shall be completed and the report of the findings placed before the Governing Board for necessary action under By-Law 62 of the Society before the end of the said period of six (6) months.”*

(Emphasis Supplied)

53.This notice was signed by the 2nd defendant. The summary of charges (three pages) was also enclosed. Reference should also be made to the following action, which was to be taken consequent to the charge:



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“7.Actions to be Taken Consequent to the Charges:

1.

2.

3.The Governing Board may suspend forthwith the former office-bearers concerned (Dr.K.Jacob, Mr.Cherian Abraham, Mr.John Joseph and Mr.Anu Varghese) from all privileges of membership, other than that of any medical needs, in order to temporarily prevent them from interfering with the enquiry by influencing the members of the MMM or the employees or other stake holders of its units during the course of the enquiry, and till the completion of any resulting action under By-law 62 of the Society.”

(Emphasis Supplied)

54.Even before examining the import of the extracted portion above, reference must be made to a few provisions of the Bye Laws of the society.

“42.In the first week of August every year the Secretary shall call for nominations for election to the Board, and the Board shall appoint two returning officers from among the members of the Society for duly conducting the elections to the Board.



43. *Each candidate shall be proposed and seconded by atleast 2 members and he shall agree on the nomination paper that he is willing to serve the Board as a member.*

44. *In case of more nominations than the required number, election should be held giving 21 days clear notice of such election to the members of the Society. Such election shall be by secret ballot by members present and voting and not by proxy.*

62. The Board shall have the power to duly penalize any member, including debarring from holding any elected position for a specified period or permanently removing from the rolls, who does not follow the rules and regulations of the Society or who has not paid the membership fee, subscription or any other contribution as decided from time to time by the General Body or for any other reason the Board deems fit. In all such matters the decisions of the Board shall be ratified by the General Body. ”

(Emphasis Supplied)

55. It is contended on behalf of the plaintiffs in C.S.No.153 of 2022 that the letter dated 19.10.2020 by which the plaintiffs had been informed they had been suspended, clearly reflects that the period of



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suspension is only for a period of six months. It is contented that questioning that letter, C.S.No.364 of 2020 had been filed. There was an order of interim stay for a considerable period of time. It is stated that even if that period is excluded, the period of six months had long passed.

56. On the other hand, it is the contention of the defendants that the Governing Board had actually taken a decision to suspend them, till the enquiry report is furnished.

57. The enquiry report had been furnished on 29.09.2021.

58. It is seen Bye Law No.62, stipulates that any penal action taken on any member should be ratified by the General Body. The suspension of the plaintiffs in C.S.No.153 of 2022 had not been so ratified by any General Body Meeting conducted post the order notifying suspension.

59. These facts will have to be balanced with the order dated 10.08.2022 of the learned Single Judge of this Court, declaring elections by including the votes polled by the plaintiffs in C.S.No.153 of 2022 for the term 2020 – 2023 in the election conducted through virtual mode by



Mr. Justice K. Kannan. Thus, there has been at least one instance where they had been permitted to vote and when that voting had been recognized, it has to be examined whether preventing them from participating in the elections for the term 2021 – 2024 by the 2nd defendant was proper or whether it requires interference by this Court. That issue is the crux of the two Suits as originally filed.

60. The necessity to suspend them, was to prevent them from interfering during the process of the enquiry against them. An enquiry officer had been appointed. The Governing Board, in their wisdom, to ensure an impartial enquiry and also to give confidence to the other members to come out with any information against the four charged members, had thought it prudent to suspend them. The suspension was termed by the 2nd defendant to remain for a period of six months. The Governing Body had taken a decision that it should be till the enquiry is conducted. It was hoped that the enquiry would be completed within six months. If the enquiry had not been completed in six months time, then there should have been an extension of the period of suspension. There is no correspondence presented in that regard before this Court.



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61. There is a letter directing suspension for a period of six months, enclosing the decision of the Governing Body that the suspension shall continue till the enquiry is completed. To repeat, there is no extension of the suspension order, after six months and more tellingly no extension of the suspension order after the enquiry had been completed and report submitted. Without entering into any discussion about the nature of allegations against the four plaintiffs, *prima facie*, a Court cannot recognize permanent suspension of any member.

62. It is also to be stated that when two interpretations are possible, the interpretation which does not cause further sufferance to the delinquent will have to be applied.

63. If the 1st defendant does not want the four plaintiffs in C.S.No.153 of 2022 as members of the society, they should not keep them suspended, but rather should take an appropriate decision. The six months' period is long over. The enquiry has been concluded long back and report submitted. The necessity to keep them suspended has evaporated.



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64. Viewing it from a microscopic angle to examine whether they could be permitted to participate in the elections, I hold that the primary intention of any member to join any society is also to enjoy the privilege of contesting for any office in that particular society. Every member in every society would like to participate in decision making. These four members however, are charged with, according to the defendants, serious charges. A considered decision will have to be taken whether it would be appropriate to give them the privilege of being members of the Governing Body. That would put them in a position to govern their own cause. The four members have also been suspended from even casting their votes. To that extent, the notice dated 15.07.2022, violates every principle of natural justice. No harm can be done by giving them the privilege to vote in elections but certainly. They can be prevented from contesting the elections but certainly not from voting in the elections.

65. Even in the elections for a legislature or parliamentary body, there could be disqualification of a candidate. Disqualification of a citizen from casting his/her vote except under stated circumstances would strike at the very heart of a fundamental right, which is embedded in every citizen, particularly, in a democracy. The broad factors for such



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disqualification would be age and conviction. No Court can deny that right to any individual and certainly, the 2nd defendant can never prevent any of the four plaintiffs in C.S.No.153 of 2022 from even casting their votes.

66.In the letter, which had been extracted supra dated 19.10.2020, the four plaintiffs had been suspended from the privileges of membership other than that of any medical need for a period of six months. This wide term “*other than that of medical need*” has been interpreted by the 2nd defendant, to even prevent them from casting their votes during the elections. A society is a body of persons and all members have equal rights. A secretary cannot deny a right which a member has. A member who is charged can be prevented from being in management of the society, since he would have to adjudicate his own charge, but he can never be prevented from casting a vote to choose a member to act as member of the Governing Body.

67.The notice dated 15.07.2021 is also assailed on the ground that the Returning Officers for the election for the term 2021 – 2024 had been appointed by the Governing Body on 25.09.2021. The elections were



called by the 2nd defendant on 15.07.2022, after more than nine months.

The reasons why the elections were not called for earlier has not been explained in the notice. It is also contended that the notice was sent by post only on 18.07.2022 and failure to give 21 days clear notice.

68. These contentions had been refuted by the learned Senior Counsel for the defendants by stating that there were earlier proceedings when less than 21 days notice had been issued and questions have not been raised.

69. It is however conducted by the learned Senior Counsel for the plaintiffs that the results were declared on 25.07.2022 which was the last date for receipt of nominations. This contention is contested by the defendants by stating that since only seven nominations were received the letter dated 25.07.2022 was issued declaring them as elected.

70. The letter dated 25.07.2022 is as follows:-

THE MADRAS MEDICAL MISSION (SOCIETY)
Regd. Office, 4-A, Dr.J.JAYALALITHA NAGAR, MOGAPPAIR, CHENNAI –
600 037

Your Grace Dr. Yuhanon Mar Diascoros, the Hon. President
& Members of the The Madras Medical Mission (Society)



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Sub: Election of Members to the Governing Board of MMM for the term

2021 – 24

You are aware that the following seven (7) members of the Governing Board were elected during the Annual General Meeting of the Society held on 06th October 2018 to hold office for three years till 05th October 2021, as per clause 51 of the Bye-Laws of the Society and in conformance with Section 15(4) of the Tamil Nadu Societies Registration Act, 1975.

- | | |
|---|-------------------------------|
| <i>1.His Grace Dr.Yuhanon Mar Diascoros</i> | <i>5.Dr.John N.George</i> |
| <i>2.Mr.K.George</i> | <i>6.Dr.Paul Korath</i> |
| <i>3.Mr.Jacob Kurian</i> | <i>7.Mr.Thomas P.Chériyan</i> |
| <i>4.Mr.Joseph Samuel</i> | |

As per clause 42 of the Bye-Laws of the Madras Medical Mission, nominations were called for by notice dated 15th July 2022, for the above said vacancies. The Returning Officers Mr.Reji Abraham, Mr.Mohan Daniel and Mr.Ron V. Thomas, appointed by the Governing Board of the Society at its meeting held on 25.09.2021, scrutinized the nominations received and declared that the following valid nominations from seven (7) candidates were received.

- | | |
|---|-------------------------------------|
| <i>1.His Grace Dr.Yuhanon Mar Diascoros</i> | <i>5.Ms.John Nellimala Sarai</i> |
| <i>2.Mr.Babu Daniel</i> | <i>6.Mr.Joseph Samuel</i> |
| <i>3.Mr.Jacob Varugies</i> | <i>7.Mr.Tarun Abraham Alexander</i> |
| <i>4.Dr.John N.George</i> | |

Clause 44 of the Bye Laws is as follows:

“In case of more nominations than the required number, election should be held giving 21 days clear notice of the election to the members of the Society. Such election shall be by secret ballot, by members present and voting and not by proxy”.

Since there were only seven (7) valid nominations against the seven (7) vacancies, the said seven (7) nominees were declared elected.

The Returning Officers declared that the above candidates were elected without contest to hold office till the Annual General Meeting for the Financial Year 2023 – 24 or for a term of three years whichever is shorter.

This is for the information of all members.

*Place: Chennai
Date : 25.07.2022*

*Sd/-
M.M.Philip
Hon.Secretary*



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71.It would only be appropriate that some harmony among the members in every society is maintained. The term of the elected members of the Governing Body would span for a period of three years. That is a too long a period for anybody holding office to be regarded with suspicion and to be regarded by having been elected through an improper election. It would only be proper that a just and fair election is called for under due supervision and the air is cleared of all allegations against the process of election and also to simmer the differences among the members.

72.A fervent plea had been made on behalf of the learned counsel for the defendants that the results had to be declared since there was lack of quorum owing to the suspension of the two of the members namely, the 3rd and 4th plaintiffs in C.S.No.153 of 2022 which left only five members and consequently, a decision was taken to conduct the elections and declare the results. The decision to conduct the election is laudable, but such decision should be taken in accordance with the Bye Laws. If it is stated that 21 clear days notice has to be issued, then 21 clear days notice must be issued. If it is stated that a particular date is given for withdrawal of nominations, then opportunity must be granted for those



who had filed the nomination to consider and to reconsider and take a decision whether to withdraw their nomination or not. Justifying a presumption that there is no intention to withdraw candidature and therefore declare the results on the same day is not proper. This will also lead to a rippling opinion that the results were hastily declared with ulterior motive.

73.It is also contended that the notices were posted after 3 days, that the elections were called after about nine months after the Returning Officers had been nominated.

74.I hold that it would be in the interest of the society that the whole process is directed to be redone in the manner as provided in the Bye Laws.

75.Contentions have been raised by the defendants about non-joinder of the Returning Officers since they had received nominations and had taken a decision to foreclose the elections on the last date of nomination. But it is the 2nd defendant who called for the election and who declared the result. It is the 2nd defendant who had issued notices



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dated 15.07.2022 and 25.07.2022. Even a cursory examination shows that when the Bye Laws provided, that there should be 21 days clear notice, then there should be 21 clear days notice. The notice calling for elections was dated 15.07.2022. The declaration of the results was on 25.07.2022. By no stretch of imagination can the period between the two dates be termed as 21 days clear notice. This time period is to be maintained only to infuse confidence among the members that the entire process has been done in proper manner and in accordance with the Bye Laws. Taking a decision to declare the results of the of election even before the date of withdrawal, cannot stand the scrutiny of this Court. If on the date of nomination, seven individuals alone had put up their names, still there could be a possibility that any one of them could withdraw their candidature. They had time to reflect, to take a decision to withdraw and not to withdraw. That reflection period should be afforded to any candidate and to every candidate.

76. There must be certainty in the process of any election and it cannot proceed on presumptions and assumptions. There cannot be a presumption that a candidate will not withdraw or has chosen not to withdraw. That decision must flow from that particular candidate and



should not be taken by the 2nd defendant / secretary of the 1st defendant.

Both notices dated 15.07.2022 and 25.07.2022, will have to be interfered with.

77.It had been contended that any decision taken in the Interlocutory Applications would affect the decision in the Civil Suits itself. But this is a corollary effect to be faced by any litigant, particularly, when the litigation is with respect to elections to a society. If the Court is to slumber, then the period itself would be over and the next term would come up with its own multitude of problems.

78.In the instant case, if the defendants were to claim that the issues in the suit should be examined, then they should have filed their written statement and should have urged for quick trial. The record shows that the written statements have not been filed. The Court has no other option, but to examine the Interlocutory Applications on the basis of the records available. No quarrel has been raised by the defendants that they have not been served with the suit summons. Therefore, they cannot fall back on that line of defense and claim that a decision should not be rendered at all in the Interlocutory Applications. The Court has a



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duty to ensure that the society functions and functions with properly elected members.

79.I am deeply conscious that this decision to conduct elections for the term 2021 – 2024 has been taken in the absence of the members who have been declared elected. One factor which weighs in the mind is that His Grace was one of the candidates and one code which is followed among the members is that on such an occasion, there will always be no contest. But when the elections are impinged and motives attributed, to clear the air of every speck of doubt, let the elections be conducted. I am confident that the elected members would realize that they have been declared elected along with His Grace and that team should never be viewed with askance ever in their term, and ever in the future. I would therefore direct elections to be conducted even in the absence of the elected members.

80.Both the suits also assail the notice dated 01.08.2022 calling for elections for the term 2022 – 2025. It is stated that there are members who are quite advanced in age, as a matter of fact, more than 90 years of age and therefore, to facilitate them, it is urged that the elections should



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be conducted on a virtual platform. A broad outline of the ages of those who are aged above 75 years had been given and it is seen that most of them are residing in Bangalore, Kottayam and Chennai. To facilitate them to participate the elections, it had been very seriously contended that elections through the virtual platform should be done. The experience of Mr.Justice K.Kannan, who conducted such election for the term 2020 – 2023 is cited with advantage and it is contended that elections can be conducted through the virtual platform.

81.This stand is disputed by the learned Senior Counsel for the defendants who stated that elections for that period was held through video conference as a one time measure owing to the then prevailing Covid – 19 pandemic.

82.It is contended by the defendants that the enquiry report has now been submitted and therefore, there could be possibility of manipulation of the elections, if it is held through the virtual platform and secrecy of the vote can never be ensured if elections are conducted in that particular manner. Reliance is also placed on the Bye Laws which provides that elections can be cast by the members present and voting,



which requires physical presence of the members.

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83. These two rival contentions will have to be balanced by this Court to ensure that proper elections are conducted to the satisfaction of all the members. The contention of the defendants that the voters must be present physically and cast their vote in secrecy has to be given due weightage. This will ensure that the voters exercise their free will. This is all the more important since the society has only 156 members. I would straight away take into consideration all the members including 4 suspended members and also the 23 newly inducted members. Their votes had been taken into consideration for the term 2020 – 2023. The results has been declared by the Court. I will have to acknowledge that particular decision taken by the learned Single Judge and to maintain consistency, also hold that the same format must be adopted, by giving the right of franchise to all the members, whether suspended or not and whether newly inducted or not.

84. The issue now is to consider how the elections should be conducted.



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85.The learned counsel for the defendants protested vehemently for adoption of any other form of elections than elections in direct mode and claimed that in the absence of any amendment to the Bye Laws, the Court cannot thrust upon the members of new format of elections.

86.This is countered by the learned Senior Counsels for the plaintiffs who informed that necessary safeguards can be provided and had actually been provided by Mr.Justice K.Kannan, who had identified the voters and then had taken their votes into consideration.

87.However, that election was conducted at the time of pandemic and when there was lock down, isolation and quarantine. Therefore, there could be no possibility of any member seeking to influence those who vote through video conference to go over to that house. There was restriction of travel and a reasonable presumption that owing to lock down and other measures those in the house were quarantined inside the house and therefore, influence could not be exercised.



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88.As on date, the situation is totally different. There is movement of general public from one place to the other. Not a single suspicion should come to the minds of the members over the creditability of the elections. This Court will have to balance all these factors.

89.The age group of the members and the list of members who are residing outside Chennai had been forwarded to this Court. There has been no dispute over the said list.

90.A perusal shows that there are 32 members beyond the age of 75 years. There are 9 members in Bengaluru, 1 member in Mumbai, 6 members in Trichy, 14 members in Kerala at Kottayam, Ernakulam and Cochin. To facilitate each and every member and at the same time to hold the elections by those present, even though it might be a little elaborate and complicated arrangement, I would direct elections for the terms 2021 – 2024 and 2022 – 2025 to be conducted simultaneously at Chennai, Trichy, Ernakulam in Kerala and Bengaluru in Karnataka. I hope that the one member in Mumbai would not taken it as an affront that similar facility is not provided to her in Mumbai. I would place a request that if it is possible she can go over to anyone of the aforementioned centres to vote.



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91.To reiterate, the 4 suspended members / plaintiffs in C.S.No.153 of 2022 are not permitted to contest the elections. They are however permitted to cast their votes.

92.To facilitate such voting, I would put in place, the following conditions:

(i)Hon'ble Mr.Justice V.Bharathidasan, retired Judge of this Court is appointed as Judge Commissioner to conduct the elections for the Governing Body for the terms 2021 – 2024 and 2022 – 2025.

(ii)The learned Judge Commissioner may take for his assistance the Returning Officers as decided by the 1st defendant for the said elections namely, Mr.Reji Abraham, Mr.Mohan Daniel and Mr.Ron V. Thomas for the elections for the term 2021 – 2024 and Mr.Jacob Varugies, Ms.John Nellimala Sarai and Ms.Liza Joseph for the term 2022 – 2025.

(iii).The learned Judge Commissioner may also take the assistance of the following District Judges, who have since retired and ask them to be present physically at Trichy, Ernakulam, Bengaluru to oversee the elections at those places. He may also request the Returning Officers to divide among themselves the responsibility of being physically present at



Chennai, Trichy, Ernakulam and Bengaluru. The former retired District

Judges are,

(a).Mr.K.Ayyappan Pillai, who has residence at Kanniyakumari and therefore, can be deputed to Ernakulam.

(b).Mr.R.Nambi, who has residence at Madurai and therefore, can be deputed to Trichy.

(c).Mr.P.Asokan, who has residence at Krishnagiri and therefore, can be deputed to Bengaluru.

(iv)The learned Judge Commissioner may also take the service of two advocates from the list of Advocate Commissioners as maintained in the Original Side for the year 2022 to 2024, to assist him at Chennai and also to assist the named former District Judges at the respective places.

The details of the Advocate Commissions are as follows:

SL. No.	Name & Enrl.No.	Office Address	Mobile No.	Place of Election
1.	M.Sethumadhavan, MS.2420/2017	No.60B, Arutjothi Apartments, Cathedral Road, Opp.Maris Hotel, Gopalapuram, Chennai.	8870828899	Ernakulam
2.	Ms.U.Fathimathmansura , MS.3215/2017	No.414, New Addl.Law Chambers, High Court Campus, Chennai.	7200216406	Ernakulam



SL. No.	Name & Enrl.No.	Office Address	Mobile No.	Place of Election
3.	S.R.Godwin Shadrach, MS.36/2018	No.198, 255, Velachery Main Road, East Tambaram, Chennai – 59.	9789979193	Chennai
4.	K.R.Vinodhinee, MS.2919/2018	No.7, Seyur Parthasarathy Street, Nelvayal Road, Prambur, Chennai – 11	9790764462	Chennai
5.	K.Udhayadev, MS.5185/2018	No.27G, 3 rd Floor Pandu Klix Plaza, Old No.168, New No.330, Thambu Street, Chennai.	8807414941	Trichy
6.	K.Mohit Kumar, MS.4835/2019	No.20, Seethammal Colony, Seethammal Road, Alwarpet, Chennai – 18.	9677027197	Trichy
7.	Nancy.N.D, MS.4054/2019	No.13/30, Egmore High Road, Egmore, Chennai – 8.	9952848278	Bengaluru
8.	Lakshmipriya Muthuramalingam, MS.4071/2019	No.160, 3 rd Floor, Hussain Plaza Building, Thambuchetty Street, Chennai.	9626840040	Bengaluru

93.The election notifications for the terms 2021 – 2024 and 2022 – 2025 may be issued afresh by the learned Judge Commissioner by giving 21 clear days notice and those particular dates can be decided in consultation with the respective Returning Officers.



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94.The 1st defendant has to bear the administrative expenses towards conducting the elections at Chennai, Trichy, Ernakulam and Bengaluru.

95.The learned Judge Commissioner is to be paid an initial remuneration of Rs.2,00,000/- (Rupees Two Lakhs only).

96.The three former District Judges are to be paid an initial remuneration of Rs.50,000/- (Rupees Fifty Thousand only) each.

97.The eight Advocate Commissioners are to be paid an initial remuneration of Rs.25,000/- (Rupees Twenty Five Thousand only) each.

98.The 1st defendant society may take care of the travelling and other expenses and the incidental expenses of the learned Judge Commissioner, the Former District Judges and the Advocate Commissioners.



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99. The entire process may commence immediately and hopefully should be completed within a period of three months from the date of receipt of a copy of this order.

100. Let information be given to each one of the members that they can vote either at Chennai, Trichy, Ernakulam or Bengaluru. This method has been suggested to facilitate even those members who are advanced age to choose their place of voting. The voting is to be done by secret ballot and the votes polled, on the conclusion of the election shall be put in a sealed cover at the responsibility of three former District Judges at Trichy, Ernakulam and Bengaluru, who are to bring them back and hand them to the learned Judge Commissioner at Chennai. The learned Judge Commissioner may then declare the results and the list of successful candidates directly to the 1st defendant through the Returning Officers and the 1st defendant may publish the result of elections in proper manner.

101. If any further clarifications are required by either the plaintiffs or the defendants or the Returning Officers or the learned Judge Commissioner, necessary application can be made to the Court seeking such clarifications.



WEB COPY 102.In the result, all the Applications are disposed of accordingly.

No order as to costs.

02.12.2022

smv

Index : Yes / No

Internet : Yes / No

Speaking order : Yes / No



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C.V.KARTHIKEYAN, J.,

smv

Pre-delivery order made in
O.A.Nos.450 and 467 of 2022
and
A.Nos.3175, 3176 and 3348 of 2022
in
C.S.No.153 of 2022
and
O.A.Nos.451 and 468 of 2022
and
A.Nos.3177 and 3349 of 2022
in
C.S.No.154 of 2022

02.12.2022