



C.R.P.(PD) No.2312 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2022

CORAM : JUSTICE N.SESHASAYEE

C.R.P.(PD) No.2312 of 2019
& CMP No.15028 of 2019

Silver Jubilee Co-operative Housing Society Ltd.,
rep. by its President, Hasan Ali Mosa,
no.192/193, P.V.Vaithiyalingam Road,
Bangaru Nagar, Zamin Pallavaram,
Chennai-600 117

... Petitioner

Vs.

1.K.Sukumar

2.The Commissioner,
Pallavaram Municipality,
Chromepet, Chennai-44.

3.The Assistant Executive Engineer,
Tamilnadu Electricity Board,
Pallavaram,
Chennai.

4.Mrs.S.Ranjani

... Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, as against the fair and decretal order passed in I.A.No.305 of 2019 in O.S.No.608 of 2009 dated 04.06.2019 on the file of the learned Additional District Munsif, Alandur.



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For Petitioner : Ms.P.Srividhya for
Ms.N.Alamelu Mangai
For Respondents : Mr.V.Tamizhselvan for R1
Mr.P.Harish, GA for R2 & 3.

ORDER

This petition is filed as against the fair and decretal order passed in I.A.No.305 of 2019 in O.S.No.608 of 2009 dated 04.06.2019 on the file of the learned Additional District Munsif, Alandur.

2. The plaintiff in a suit in O.S.No.608 of 2009 has come forward with this revision petition, challenging the order in I.A.No.305 of 2019. The suit is laid by a certain Co-operative Housing Society through its President, *inter alia* seeking a decree of mandatory injunction against the defendants 1 & 4, to remove certain super-structure and for certain other allied reliefs. While so, the President of the Society came to be changed and was substituted by an another person. Since this is happening frequently, the plaintiff has taken out an application in I.A.No.305 of 2019 seeking permission to allow the plaintiff to be represented by its President alone. In other words, the nature of prayer sought was to describe the person, representing the Society by its office and not by name of the President.



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This application came to be dismissed by the learned trial Judge and now is under challenge in this petition.

3. Heard both sides.

4. This is an innocuous petition, which is neither going to change the nature of the suit nor the cause of action and also the right of defence. This is a 13 year old litigation, and necessarily the plaintiff is facing inconvenience in the proceedings since its President keeps changing from time to time, but the suit continues to remain in static mode. It is indeed to address any such a situation that may come up in future owing to change of the President, the plaintiff has taken out the present application.

5. This is appreciated and hence, this Court chooses to allow the Interlocutory Application in I.A.305 of 2019. In conclusion, this revision petition is allowed and the order passed in I.A.No.305 of 2019 dated 04.06.2019 passed by the trial Court is set aside.

6. The learned counsel for the defendants/respondents prayed that they may



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be allowed to file an additional written statement. It is made clear that the application of amendment now allowed by this Court, does not alter any of the facts completed by the plaintiff nor has it changed the cause of action in any manner. Therefore, this Court finds no ground for filing any additional written statement in response to the amendment now allowed. If, however, there are other circumstances which warrant filing of additional written statement by the defendants and are shown or to be available for the defendants, then, it is open to the defendants to approach the trial Court seeking its leave to file an additional written statement as per the procedure contemplated in CPC.

7. Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes / No

Speaking order / Non-speaking order



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N.SESHASAYEE.J.,

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