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CRP.No.3436 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.3436 of 2022

and

CMP.No.18224 of 2022

All India Indian Bank SC/ST Employees
Welfare Association, Rep.by its
General Secretary Mr.K.Babu
No.15, Vengu Street, Egmore,
Chennai 600 008.

... Petitioner

Vs.

1.M.Jaisankar

2.R.Porchezhian

3.V.Dayalan

4.M.Sridhar

Respondents

...



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Prayer: Civil Revision Petition is filed under Section 115 of CPC, to pass an order calling for the records in the fair and decree dated 07.09.2022 passed in I.A.No.02 of 2020 in O.S.No.5167 of 2019, on the file of the learned VII Assistant City Civil Court, Chennai and set aside the same and thereby allow the above Civil Revision Petition.

For Petitioner : Mr.R.Arunkumar

ORDER

This Civil Revision Petition is filed aggrieved by an order dismissing the petition filed by the revision petitioner to dismiss the suit as infructuous.

2. The respondents herein filed a suit in O.S.No.5167 of 2019 seeking an injunction restraining the defendants therein including the revision petitioner from conducting meeting involving the day to day affairs of the Association. The respondents also prayed for injunction restraining the defendants from withdrawing or transacting



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the SBI Account of the Association.

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3. The learned counsel for the petitioner submitted that the defendants 1 to 3 in the main suit, who were Ex. General Secretary, President and Treasurer of the petitioner's Association got superannuated and consequently, they ceased to be the members of the Association. Subsequently, an election was conducted to the revision petitioner's Association, which was arrayed as fourth defendant in the suit and new office bearers have taken over and consequently, the prayer sought for in the main suit has become infructuous.

4. The revision petitioner brought this fact to the notice of this Court by filing the I.A.No.2 of 2020 and sought for dismissal of the suit as infructuous.

5. The Court below dismissed the said application on the



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ground that the averments made by the revision petitioner in that petition have to be considered during the final disposal of the suit.

6. It is settled law that the Court can take into consideration, the subsequent change of circumstances and mould the relief accordingly. In view of the settled position, this Court is inclined to issue a direction to the Court below to dispose of the suit in O.S.No.5167 of 2019 within a period of six months from the date of receipt of a copy of this order. In view of limited directions issued in this revision, the CRP is disposed even without notice to the respondents.

7. With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected Civil Miscellaneous Petition is closed.



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Index : Yes / No
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To
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The VII Assistant City Civil Court, Chennai.



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S.SOUNTHAR, J.

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