



CMA.No.2649 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

CMA.No.2649 of 2022

and

C.M.P.No.20627 of 2022

The Tamilnadu Government Schedule Castes
and Schedule Tribes Employees' Welfare Association
(Reg. No.58/1976)
Rep. by its State General Secretary
Mr.K.Balagangathrathilagar,
Having Office At ; Government Museum Campus,
Pantheon Road Egmore, Chennai- 600008.

... Appellant

Vs.

- 1.S.Asokan
- 2.M.Kumar
- 3.G.Gnanasambandam
- 4.P.Natarajan
- 5.S.Soundarajan
- 6.T.Mahendiravarma
- 7.Karunanidhi
- 8.K.Jaishankar
- 9.K.Amaravel
- 10.G.Vimala
- 11.A.Kalaiselvam
- 12.M.Dhandapani
- 13.M.Kannaiyan



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14.P.Krishnan
15.A.Murugesan
16.M.K.Beemkumar
17.P.Socratees
18.M.Balakrishnan
19.S.Arumugam
20.P.V.Gopal

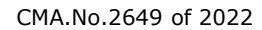
... Respondents

PRAYER : Appeal filed under Section XLIII Rule 1(r) of CPC to set aside the Fair and Decreetal order dated 12.10.2022 made in IA.No.2 of 2020 in OS.No.2206 of 2019 on the file of the XIX Additional Judge, City Civil Court at Chennai.

For Petitioner : Mr.J.Kanan

JUDGEMENT

The appellant is the plaintiff-petitioner before the XIX Additional City Civil Court, Chennai in I.A.No.2 of 2020 in OS.No.2206 of 2019. The suit OS.No.2206 of 2019 is filed by the appellant herein for the following reliefs:-



(c) For a Permanent Injunction restraining the Defendants, their men, agent(s) or any person claiming under or through them from using the Name. Registration Number and Letter Head of the Plaintiff Association viz. THE TAMILNADU GOVERNMENT SCHEDULE CASTES AND



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SCHEDULE TRIBES EMPLOYEES' WELFARE ASSOCIATION

(Reg. No. 58/1976) in their communications or in any other manner.

(d) For a Permanent Injunction restraining the 1 Defendant from claiming to be the Member of the Plaintiff Association viz. THE TAMILNADU GOVERNMENT SCHEDULE CASTES AND SCHEDULE TRIBES EMPLOYEES' WELFARE ASSOCIATION (Reg. No. 58/1976) and representing the same before any authorities in the capacity as Member."

2. In the suit, one of the contentions that has been raised by the plaintiff was that the defendants had been terminated from the membership of the plaintiff's Association by resolution of the Extraordinary Annual General Body Meeting held on 07.01.2018, despite which they had been continuing to act as Office Bearers of the Association besides raising other pleas. Along with the suit the appellant/applicant-plaintiff had also filed I.A.No.2 of 2020 for an ad-interim injunction restraining the respondents/defendants, their men, agent(s) or any person claiming under or



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through them from claiming to be Office Bearers of the Applicant Association till the disposal of the suit.

3. In the counter filed by the 2nd respondent/2nd defendant in I.A.No.2 of 2020, he had alleged that the resolution proceedings had been manipulated by Mr.K.Balagangathrathilagar, who states that he is a State General Secretary of the plaintiff's Association but at the time of the filing suit, he was not a Secretary as he had been already removed from the post of Secretary on 18.02.2018 based on the general body resolution dated 07.01.2018. He would further state that the Annual General Body Meeting claimed to have been held on 07.01.2018 was never held but on the contrary, on the very same day a Special General Body Meeting had been held at Chengelpet. There is no termination of the defendants as stated in the affidavit filed in support of the injunction petition. He had also denied the various allegations contained therein.

4. The learned XIX Additional Judge by her order dated 12.10.2022 had taken note of the fact that the suit was at the stage of marking of documents on the side of the plaintiff and since the suit was at a part heard



stage the learned Judge felt that the application could be heard at the end of the trial, since the issues involved both in the suit as well as the interim injunction was more or less similar therefore the I.A was dismissed. Challenging the same the appellant is before this Court.

5. Heard the learned counsel for the appellant.

6. The learned counsel for the appellant had filed an Additional typed-set enclosing copy of Ex.P.1 which is the notice calling for the Annual General Meeting. A perusal of this document would show that the Annual General Meeting was to be held on 14.08.2022. The meeting also appears to have been concluded. Therefore, at this juncture no injunction orders can be passed and also considering the fact that the trial has commenced in the above suit no further orders need to be passed in the injunction application and the learned Judge has rightly dismissed the same.

7. Therefore, the appeal fails and the above Civil Miscellaneous Appeal is dismissed. It is needless to state that any resolution that has taken place pursuant to the meeting held on 14.08.2022 would be subject to the



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result of the suit. However there shall be a direction to the learned XIX Additional Judge, City Civil Court at Chennai to dispose of the above suit on or before 30.04.2023. No costs. Consequently, the connected Miscellaneous Petition is closed.

02.12.2022

Index : Yes/No
Internet: Yes/No
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To
The XIX Additional Judge, City Civil Court at Chennai.



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P.T. ASHA, J,

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