



CRP.(PD).No.3578 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.(PD).No. 3578 of 2017

and

CMP.No.16850 of 2017

1. Vasdhath R.Krishnan
2. M.G. Dhathathri
3. N. Vasanth
4. S.Sumathi
5. D. Karunya
6. D.Mouneswari
7. S. Syed Hussain
8. K.R. Siddeswaran
9. M. Rajesan

.. Petitioners

Versus

1. Tamil Nadu Soft Tennis Association
Rep. by its President K.Arjunan
2. K. Arjunan
3. Dr.R. Chitra
4. A. Senthilkumar
5. M. Sembannan
6. G. Sivakumar
7. R. Karthick
8. B. Selvalakshmanan
9. P. Thiagarajan



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10. A. Nagarajan
11. K.R. Vijayakumar
12. T. Senthamarai Kannan
13. V. Pandiarajan
14. C. Ramachandran
15. M. Manimurugan
16. R.Vivekanandan
17. K. Prabakaran
18. D.Kandamoorthi
19. A.Sasi Raja
20. M. Aravind
21. The District Registrar
Registrar of Societies
Chennai Central, Chennai-14.

...Respondents

Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike out plaint filed by the respondents/plaintiffs in O.S.No. 135 of 2016 on the file of II Additional District Judge, Salem, dated 27.04.2016.

For Petitioners : Ms.A. Bakkiya Lakshmi
For Mr.E.C. Ramesh

For RR 1 to 20 : M/s. P. Veena Suresh

For 21 : Mr.B. Tamilnidhi
Additional Government Pleader (CS)



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ORDER

This Civil Revision Petition has been filed to strike out plaint filed by the respondents/plaintiffs in O.S.No.135 of 2016 on the file of II Additional District Judge, Salem, dated 27.04.2016.

2. The respondents/plaintiffs filed the suit in O.S.No.135 of 2016 before the II Additional District Judge, Salem, for declaration and permanent injunction and other consequential reliefs stating that the plaintiffs 2 to 20 are the duly elected members of the governing body of the 1st plaintiff/Association and restraining the defendants 1 to 9 by way of permanent injunction from in any manner interfering with the functioning of the plaintiffs 2 to 20 as the governing body of the 1st plaintiff/Association. The 1st plaintiff/Association is also affiliated with The Amateur Soft Tennis Federation of India (ASTFI) and therefore, the suit is not maintainable and it is an abuse of process of law. Hence, they want to strike off the plaint.

3. Heard both sides and perused the materials available on record.



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4. On a perusal of the records it reveals that the suit in O.S.No.135 of 2016 before the II Additional District Judge, Salem, for declaration and permanent injunction and other consequential reliefs. In the suit, the defendants have already filed written statement as well as additional written statement before the trial Court. Apart from that, the revision petitioners/defendants have filed an application in I.A.No.1 of 2022 under Order VII Rule 11 of CPC., seeking to reject the plaint and the same is pending before the trial Court. Therefore, the defendants are not entitled to seek relief before this Court. Hence, the relief sought for in the present civil revision petition cannot be granted before this Court. However, the course of action open to the petitioner is to pursue their remedy before the trial Court and not by way of the present the Civil Revision Petition and the revision filed under Article 227 of the Constitution of India is not maintainable as there is no merit in the revision and the same is liable to be dismissed.

5. Accordingly, the Civil Revision Petition is dismissed. It is open to the revision petitioners to work out their remedy before the trial Court in the manner known to law. Further, the trial Court is directed to dispose



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of the original suit in O.S.No.135 of 2016 on the file of II Additional District Judge, Salem, dated 27.04.2016, within a period of 6 months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

17.10.2022

msm

Index : Yes/No

Speaking Order : Yes/No

To

1. The II Additional District Judge, Salem.
2. The Section Officer, V.R.Section
High Court, Madras.



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T.V.THAMILSELVI, J.

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