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S.A.(MD)No.70 of 2011:

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.06.2022**

CORAM:

THE HONOURABLE MR.JUSTICE. N.SESHASAYEE

S.A.(MD)Nos.70 and 71 of 2011

and

M.P.(MD)Nos.1, 1 and 2 of 2011

S.A.(MD)No.70 of 2011:

Youngmen Christian Association Rep.

By its General Secretary,

No.1/1-E, E.V.R.Road,

Puthur,

Trichy - 17.

...Appellant/1st Appellant/1st Defendant

/Vs./

1.W.Jebadoss

...1st Respondent /1st Respondent/
Plaintiff

2.National Counsel of Youngmen
Christian Association Rep.

General Secretary,

Bharat Ykuvak Bhavan,

Jai Singh Road,

New Delhi-1.

...2nd Respondent /2nd Respondent/
5th Defendant

3.A.J.Muthusamy,
President Youngmen
Christian Association,
Plot No.A.4,
Vishanagar,
Karumandapam,
Dindigul Road,
Trichy - 1.

...3rd Respondent /2nd Appellant/
2nd Defendant

4.S.N.Joseph Selvaraj

...4th Respondent /3rd Appellant/
3rd Defendant

5.J.J.L.Gnanaraj

...5th Respondent /4th Appellant/
4th Defendant

S.A.(MD)No.71 of 2011:

J.J.L.Gnanaraj

...Appellant/2nd Appellant/2nd Defendant

/Vs./



1.W.Jebadoss

...1st Respondent /1st Respondent/
Plaintiff

2.I.Joseph Selvaraj

...2nd Respondent /1st Appellant/
1st Defendant

COMMON PRAYER: Second Appeal filed under Section 100 of Code of Civil Procedure, to set aside the Judgment and decree dated 28.09.2010 made in A.S.No.137 of 2005 and A.S.No.140 of 2005 on the file of the Court of the Principal Subordinate Judge, Tiruchiappalli confirming the judgment and decree dated 29.10.2004 made in O.S.No.51 of 1997 and O.S.No.1666 of 1995 on the Court of the Second Additional District Munsif, Tiruchirappalli.

S.A. (MD)No.70 of 2011:

For Appellant : Ms.J.Maria Roseline

For R1 : Mr.P.Arun Jayatram

For R2 to R5 : No appearance

S.A. (MD)No.71 of 2011:

For Appellant : Ms.J.Maria Roseline

For R1 : Mr.P.Arun Jayatram

For R2 : No appearance

COMMON JUDGMENT

The plaintiff has laid a suit in O.S.No.1666 of 1995 alleging that he is a General Secretary of Youngmen Christian Association, a registered Society, he was first suspended in a Board Meeting of the Society on 27.09.1995 and then, on 05.12.1996, he was removed from his office of General Secretary of the aforesaid Society. He thereafter instituted O.S.No.1666 of 1995 challenging the order of suspension and also consequential injunction that is to continue holding of office shall not be interfered with and would file O.S.No.51 of 1997 challenging the order of termination.

2.Both the suits were tried jointly and came to be decreed both successively, by the Trial Court as well as by the First Appellate Court. The defendants therefore have challenged these decrees in these appeals.

3.During the pendency of these appeals, the first respondent/plaintiff has passed away. The suit pertains to right to hold an office or rather challenging termination from the office.



The said right dies with the party, and does not survive to his legal representatives. In these circumstances, the very cause of action is lost. Therefore, nothing survives in these appeals and accordingly, the Second Appeals are closed. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

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To

1.The Principal Subordinate Judge,
Tiruchiappalli.

2.The Second Additional District Munsif,
Tiruchirappalli.

COPY TO:

The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

S.A.(MD)Nos.70 and 71 of 2011

10.06.2022

RD(05.07.2022) 3P 5C