



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2023

CORAM

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

C.S.No.393 of 2012

1. Anne Gonsalves
2. Cynthia Duleep Singh

...Plaintiffs

.Vs.

1. Young Women's Christian Association of Madras
Rep by its General Secretary
1086 Poonamallee High Road,
Chennai – 600 084.
2. The Registrar of Societies,
Office of the Registrar,
Georgetown,
Chennai – 600 001.

... Defendants

Prayer: Complaint filed under Order VII Rule 1 of the CPC and read with order IV Rule 1 of O.S. Rules, praying to pass a judgment and decree against the defendants:-

a) to formulate a scheme whereby the first defendant adheres to the bye laws of the Constitution in the matter of electing the office bearers, board members and members of the nominating committee and thereby administer the day to day activities of the society and the management thereof in accordance to the spirit and letter of the Constitution.

b) issue a mandatory injunction directing the first defendant to



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submit periodical reports to the second defendant in accordance with the provisions stipulated under the Act and

c) to pay the cost of the suit.

For Plaintiffs : Mr.M. K. Kabir,
Senior Counsel
for A.Dhiraviyanathan
& Ms.M.Padmavathy
For Defendants : D2 Set exparte on 28.04.2013
Ms.Srimathi
Mr. Avinash Wadhvani

J U D G M E N T

This Civil Suit has been filed for the following reliefs:

a) to formulate a scheme whereby the first defendant adheres to the bye laws of the Constitution in the matter of electing the office bearers, board members and members of the nominating committee and thereby administer the day to day activities of the society and the management thereof in accordance to the spirit and letter of the Constitution;

b) issue a mandatory injunction directing the first defendant to submit periodical reports to the second defendant in accordance with the provisions stipulated under the Act and

c) to pay the cost of the suit.

2. It is submitted by the learned counsel for the plaintiffs and defendants that the Constitution of the YWCA of Madras was amended in



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the month of June, 2005. On 15.03.2022, notice for EGM to be held on 06.04.2022. On 19.04.2022, letter from General Body of YWCA, Madras to Inspector General of Registration. On 24.05.2022, receipt issued by Registrar of Societies in favour of YWCA, Madras for Amendment of Rules. On 13.06.2022, letter issued by Executive General Secretary of YWCA, Madras, to the District Registrar, Registrar of Societies. On 21.07.2022, letter from the General Body of YWCA, Madras to the Inspector General of Registration. On 05.09.2022, letter from the General Body of YWCA, Madras to the Inspector General of Registration. On 27.09.2022, letter from the General Body of YWCA, Madras to the Inspector General of Registration. On 24.11.2022, order passed by the District Registrar. On 09.03.2023, letter from Executive General Secretary of YWCA, Madras to Members of YWCA, Madras.

3. The plaintiffs and the defendants have filed the draft Constitution and the Articles of Association and Bye-Laws of YWCA of Madras, 2022 which have been agreed by both the parties, pursuant to which, mediation has been conducted by the Hon'ble Mediator, the Hon'ble Mr. Justice G.M. AKBAR ALI, former Judge, High Court of



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Madras. The same was finalised by the Mediator after a consensus arrived at between the parties subject to approval by the Extraordinary General body Meeting of YWCA of Madras.

4. Upon perusing the said documents, the Hon'ble Mediator, has filed a report on 28.09.2022 enclosing the Constitution and Bye-laws of the Society.

5. Based on the said report, the Extraordinary General body Meeting, YWCA, Madras, of the first respondent Society has approved the Constitution and Bye-laws.

6. This Court by its order dated 02.08.2023, has directed the Registrar of Societies,, Royapettah, Chennai, to register the Constitution and Bye-laws of YWCA of Madras presented by them. In compliance of the said order, the Registrar of Societies has registered the Constitution and Bye-laws of the Society under Sl.No.101 of 2023 dated 10.08.2023.

7. The suit is decreed in terms of the Constitution and Bye-laws



which has been registered by the Registrar of Societies, Chennai Central,
Chennai-600 014 which shall form part and parcel of the decree.

14.08.2023

Index : Yes/No

Internet: Yes/No

Speaking/Non-speaking : Yes/No

Neutral Citation: Yes/No

Gv

A.A.NAKKIRAN.,J

gv



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