



CRP.No. 3071 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

CRP.No. 3071 of 2023
and
CMP.No. 19020 of 2023

T.Pandian

... Petitioner

Versus

1.Pattabiram Nadargal Iyyykkia Sangam,
(Society Registered under the Tamil Nadu Societies Registration Act,
1975, Act No. XXVII of 1975) Represented by its Manager,
Mr.R.Rathinasamy, having its registered office at
Old No. 311 & New No. 537, M.T.H. Road
Chennai-600 072.

2.R.Rathinasamy
3.Natesan Nadar
4.P.Ragasamy Nadar
5.R.Chellakani Nadar
6.P.Madasamy Nadar
7.K.Natarajan Nadar
8.P.J. Durai Nadar
9.P. Arumugapandi Nadar
10.R.T. Masanamuthu Nadar
11.D.James
President, Pattabiram Nadargal Iyyykkia Sangam,
Election Consultative



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Committee No. 16 B.O.D. Road Chatram,
Pattabiram, Chennai - 600 072.

12. The Branch Manager,
Indian Bank,
Pattabiram Branch, Chennai - 600 072.

13. The Secretary to the Government
Department of Commercial Taxes
(Sangam Affairs), Secretariat, Chennai - 600 009.

14. The Inspector General of Registration,
South Chennai, No. 100,
Santhome High Road, Chennai - 600 028.

15. The District Registrar of Societies (South Chennai)
No.9, Jennis Road, Saidapet, Chennai - 600 015.

16. The Inspector of Police (Law and Order),
T-9, Pattabiram Police Station, Pattabiram, Chennai - 600 072.
[Respondents 2, 6 and 10 to 16 were
set ex-parte and notice may dispense with]

.. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, prays to set aside the fair and decreetal order dated 13.03.2023 in IA.No. 4 of 2023 in O.S.No. 247 of 2013 on the file of the Principal District Munsif at Poonamallee.

For Petitioner : Mr.K. Harikrishnan
For Respondents : Mr.A. Prabhakaran Caveator for R3



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ORDER

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This Civil Revision Petition is filed seeking to set aside the fair and decretal order dated 13.03.2023 in I.A.No. 4 of 2023 in O.S.No. 247 of 2013 on the file of the Principal District Munsif at Poonamallee.

2. The revision petitioner/plaintiff has filed the suit in O.S.No.247 of 2013 on the file of Principal District Munsif, Poonamallee, for declaration and permanent injunction against the defendants 1 to 16. After completion of defendants side evidence, the suit was posted for arguments. At the time of cross examination of defendants side witness, the account details of the first defendant's Sangam was not known to the defendant witness/DW1. The defendant witness deposed in his cross examination, only the Manager and the Treasurer knew all the details in respect of accounts of Sangam. After the examination of three witnesses, all the facts regarding accounts and other details of the Sangam will be revealed. No prejudice would be caused to the respondents/defendants if the application is allowed. Therefore, the petitioner/plaintiff prays to set aside the findings of the trial Court.



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3. Counter affidavit has been filed by the Respondent Nos.1,3,4,5,7,8 and 9 stating that in view of section 2 (b) of the Tamil Nadu Societies and Registration Act, the designated Court, as per Section 2(b) of the Act, if any dispute arose in respect of the affairs of the registered Society under Section 20 of the Tamil Nadu Societies and Registration Act, shall be in Madras City Civil Court. Therefore, the petitioner/plaintiff has not any *locus-standi* in filing the suit. The then Secretary T.Thangamuthu, brother of the 1st plaintiff has managed to hold the office of the 1st defendant's Sangam continuously for the past 14 years either by illegal means and hence, the suit was filed in O.S.No. 72 of 2005 on the file of District Court, Chengalpet. Originally the suit was filed before the District Court, Chengalpet, and the same was transferred to the file of the Fast Track Court/District Judge, Poonamallee, wherein the trial Court by its judgment and decree dated 29.02.2008. Against which, the first appeal was preferred before this Court in A.S.No. 486 of 2008 by the then office bearers and the same was dismissed on 15.03.2011. Aggrieved by the same special leave petition filed before the Apex Court in SLP.No. 16102 of 2011 and the same is disposed on 18.01.2016. During the pendency of the SLP, Adhoc Committee was constituted in the presence of



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the first defendant's Sangam and Five Member Committee was constituted to take necessary action in executing the decree passed. Therefore, the petitioner/plaintiff filed the present suit is barred by the principles of Resjudicata in view of the judgment passed in O.S.No. 72 of 2005. The present office bearers of the 1st defendant's Sangam have already made necessary arrangement for submission of accounts and renewal of its registration and the annual returns has been filed by obtaining necessary permission from the State Government and the same was exhibited and evidence of the parties to the suit has already been examined and necessary documents has been marked and the suit was adjourned for advancing arguments. At this stage, the petitioner filed the present application to drag on the proceedings. Hence, the respondents pray to dismiss the above Civil Revision Petition.

4. Heard both side and perused the materials available on record.

5. On perusal of the petition and counter averments, it is seen that the suit was filed by the plaintiff for declaration and permanent injunction. The first plaintiff was examined as PW1 and Ex.A1 & Ex.A2



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were marked in support of the plaintiff's case. After completion of the plaintiff's side evidence, the suit was posted for defendant's side evidence.

On the side of the defendants, 3rd defendant was examined as DW1 and Ex.B1 to Ex.B6 were marked.

6. During the cross examination of DW1, Ex.A43 to Ex.A46 were marked on the side of the plaintiff. The 6th defendant examined as DW2 and Ex.B7 to Ex.B20 were marked. After completion of defendant's side evidence, the suit was posted for arguments. At this juncture, the petitioner/1st plaintiff filed the application in IA.No.4 of 2023 under Section 151 CPC., to reopen the case for further plaintiff's evidence in the suit proceedings.

7. It is further seen that the 3rd defendant during his cross examination deposed that only the Treasurer and the Manager have known all the facts in respect of accounts of the 1st defendant's Sangam. The petitioner/plaintiff has already sufficient documents such as Ex.A1 to Ex.A47 were marked in support of his case. The issues in the suit and disputes between the parties can very well be decided based on the



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evidences let in by both the parties, are sufficient. However, the petitioner/plaintiff has not assigned any proper reason to reopen the case for further cross examination of the witnesses mentioned in the petition. Therefore, this Court is of the view that there is no necessity to reopen the case for further evidence on behalf of the plaintiff side in the suit proceedings. Hence, this Court is not inclined to interfere with the impugned order passed by the trial Court and there is no merit in the civil revision petition.

8. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index: Yes/No
Speaking order/Non-speaking order
Neutral Citation: Yes/No
MSM



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V.BHAVANI SUBBAROYAN, J.
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