



*C.S. No.553 of 2019
and A.Nos.3840, 3841, 4471 to 4478 of 2022*

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **11.08.2023**

CORAM

THE HONOURABLE Ms. JUSTICE **R.N.MANJULA**

C.S. No.553 of 2019
and
A.Nos.3840, 3841, 4471 to 4478 of 2022

Mr.N.S.Balachandhar

Plaintiff

-Vs.-

1. The Honorary Secretary,
Samyukta Gowda Saraswata Sabha,
A society registered under the provisions of
the Societies Registration Act,
having its registered office at
No.55, Habibullah Road,
T.Nager, Chennai-600 017.
2. Mr.A.Arjuna Pai
President of Samyukta Gowda Saraswata Sabha,
having its registered office at
No.55, Habibullah Road,
T.Nager, Chennai-600 017.
3. Dr.H.R.Shanbhogue,
Vice President of Samyukta Gowda Saraswata Sabha,
having its registered office at
No.55, Habibullah Road,
T.Nager, Chennai-600 017.
4. Mr.C.J.Nayak,
Honorary Secretary of Samyukta Gowda Saraswata Sabha,
having its registered office at
No.55, Habibullah Road, T.Nager, Chennai-600 017.



*C.S. No.553 of 2019
and A.Nos.3840, 3841, 4471 to 4478 of 2022*

WEB COPY

5. Mr.Vasant M.Shanbhag,
Joint Secretary of Samyukta Gowda Saraswata Sabha,
having its registered office at
No.55, Habibullah Road, T.Nager, Chennai-600 017.
6. Mr.K.P.Lakshmana Rao,
Honorary Treasurer of Samyukta Gowda Saraswata Sabha,
having its registered office at
No.55, Habibullah Road, T.Nager, Chennai-600 017.
7. Mrs.Vijayalakshmi R.Pai,
Committee Member of Samyukta Gowda Saraswata Sabha,
having its registered office at
No.55, Habibullah Road, T.Nager, Chennai-600 017.
8. Mrs.Vijayalakshmi R.Prabhu,
Committee Member of Samyukta Gowda Saraswata Sabha,
having its registered office at
No.55, Habibullah Road, T.Nager, Chennai-600 017.
9. Mr.V.Muralidhara Rao,
Committee Member of Samyukta Gowda Saraswata Sabha,
having its registered office at
No.55, Habibullah Road,
T.Nager, Chennai-600 017.
10. H.Mohandas Pai,
Committee Member of Samyukta Gowda Saraswata Sabha,
having its registered office at
No.55, Habibullah Road,
T.Nager, Chennai-600 017.
11. Mr.Suresh A. Pai,
Committee Member of Samyukta Gowda Saraswata Sabha,
having its registered office at
No.55, Habibullah Road,
T.Nager, Chennai-600 017.
12. Mr.B.Balakrishna Rao,
Committee Member of Samyukta Gowda Saraswata Sabha,
having its registered office at
No.55, Habibullah Road,
T.Nager, Chennai-600 017.



*C.S. No.553 of 2019
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13. Dr.S.Dinesh Nayak,
Present President of Samyukta Gowda Saraswata Sabha,
having its registered office at
No.55, Habibullah Road,
T.Nager, Chennai-600 017.
14. Mr.Suresh Shanbhogue,
Present Treasurer of Samyukta Gowda Saraswata Sabha,
having its registered office at
No.55, Habibullah Road,
T.Nager, Chennai-600 017.
15. Mrs.K.P.Kiran Rao,
Committee Member of Samyukta Gowda Saraswata Sabha,
having its registered office at
No.55, Habibullah Road,
T.Nager, Chennai-600 017.
16. Mr.Praveen Kamath
Committee Member of Samyukta Gowda Saraswata Sabha,
having its registered office at
No.55, Habibullah Road,
T.Nager, Chennai-600 017.
17. Mr.R.Sathyanarayana Shenoy
Committee Member of Samyukta Gowda Saraswata Sabha,
having its registered office at
No.55, Habibullah Road,
T.Nager, Chennai-600 017.
18. Mr.M.Uday Kamath
Committee Member of Samyukta Gowda Saraswata Sabha,
having its registered office at
No.55, Habibullah Road,
T.Nager, Chennai-600 017.
19. K.Umesh Nayak,
Election Officer,
Plot No.892, New No.8, 10th Street,
Syndicate Bank Colony,
Annanagar West Extension,
Chennai-600 101.



*C.S. No.553 of 2019
and A.Nos.3840, 3841, 4471 to 4478 of 2022*

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20. Mr.Devdas J Kamath
Fellow Scrutiniser,
Block-4, Flat No.1D,
VGN La Parissienne,
4th Main Road, Nolambur,
Mugappair West, Chennai-600 037.
21. Mr.P.B.Atulendranath Shenoi,
Fellow Scrutiniser
“Atula Kala”,
5, 2nd Canal Cross Road,
Gandhinagar, Adyar,
Chennai-600 020.
(Defendants 13 to 21 impleaded as per order
dated 24.03.2022 in A.No.2183 of 2020)

... Defendants

Civil Suit is filed under Order IV Rule 1 of O.S.Rules read with Order 7 Rule 1 of C.P.C. to pass judgment and decree

a) to declare the business item No.6 relating to the election of the office of the Managing Committee of the 1st defendant contained in the Notice dated 01.09.2019 that is to be held on 29.09.2019 as illegal, bad in law, void-ab-initio and non-est.

b) Permanent injunction restraining the Defendants 2 to 12 from conducting elections for the office of the Managing Committee of the 1st defendant based on business item No.6 contained in the Notice dated 01.09.2019 for the election of the Managing Committee of the 1st defendant on 29.09.2019 or on any subsequent dates.

c) To declare that the election held on 29.09.2019 to the various office positions of the 1st defendant on the basis of the business item No.6 in the



C.S. No.553 of 2019
and A.Nos.3840, 3841, 4471 to 4478 of 2022

Notice 01.09.2019 as illegal, bad in law, void-ab-initio and non-est.

d) to award the costs of this suit.

For Plaintiff : Mr.Sarath Candran

For Defendants : Ms.V.Nithyasri
for M/s.S.Ramasubramanian & Associates

JUDGMENT

On 16.11.2022, the following order has been passed:-

“It is stated that consequent to an order granting leave under Section 92 of CPC, an Original Side Appeal had been filed and the Division Bench had granted stay of further proceedings in C.S.No.85 of 2022. The matter may therefore be listed whenever the Original Side Appeal is disposed of.

2.It is further represented that the relief sought in C.S.No.553 of 2019 has become infructuous and a memo in that regard had been filed.

3.The learned counsel for the plaintiff to take a decision on that.”

2. When the matter is taken up today, the learned counsel for the plaintiff submitted that he has not got any instructions from the plaintiff. But



*C.S. No.553 of 2019
and A.Nos.3840, 3841, 4471 to 4478 of 2022*

the fact remains that the clarification from the plaintiff is required only on the issue whether the relief sought in C.S.No.553 of 2019 has become infructuous or not.

3. C.S.No.553 of 2019 has been filed for the following reliefs:-

a) to declare the business item No.6 relating to the election of the office of the Managing Committee of the 1st defendant contained in the Notice dated 01.09.2019 that is to be held on 29.09.2019 as illegal, bad in law, void-ab-initio and non-est.

b) Permanent injunction restraining the Defendants 2 to 12 from conducting elections for the office of the Managing Committee of the 1st defendant based on business item No.6 contained in the Notice dated 01.09.2019 for the election of the Managing Committee of the 1st defendant on 29.09.2019 or on any subsequent dates.

c) To declare that the election held on 29.09.2019 to the various office positions of the 1st defendant on the basis of the



*C.S. No.553 of 2019
and A.Nos.3840, 3841, 4471 to 4478 of 2022*

WEB COPY business item No.6 in the Notice 01.09.2019 as illegal, bad in law, void-ab-initio and non-est.

d) to award the costs of this suit.

4. Since the subsequent election had held and the three years tenure of the earlier office bearers got expired, the suit in C.S.No.553 of 2019 has become infructuous and the Memo filed by the first defendant in this regard is recorded.

5. In view of the same, the suit in C.S.No.553 of 2019 is dismissed as infructuous. No costs. Consequently, all applications are also closed.

11.08.2023

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*C.S. No.553 of 2019
and A.Nos.3840, 3841, 4471 to 4478 of 2022*

R.N.MANJULA, J

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C.S. No.553 of 2019
and
A.Nos.3840, 3841, 4471 to 4478 of 2022

11.08.2023