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C.M.A. Nos.4764, 4769 and 4770 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

C.M.A. Nos.4764, 4769 and 4770 of 2019 and
CMP Nos.27465, 27470, 27456, 27484 of 2019
CMP Nos.16419, 16421, 16429 of 2023

In C.M.A. No.4764 of 2019

- 1.M.Subramaniam
2. G.Rathinasabapathy
3. G.Manoharan
4. Ramathal
5. M.Ganesan
6. M.Srinivasan
7. Thangaraj

... Appellants

Vs.

1. M/s.Ponni Charitable Trust
Samalapuram P.O.,
Rep. by its. President
R.Ramamoorthy
Having Office at No.858, Samalapuram Post,
Tirupur District-641 668
2. M/s. Literacy Mission Matriculation Higher Secondary School
Rep. by its Principal,
Karanampettai - Somanur Road,
Samalapuram
Tirupur - 641 663



3. G.S.Ramasamy
4. R.Ramamoorthy
5. S.A.Senthilkumar
6. P.Senniappan
7. M.V.Thangannan
8. P.Ganesamoorthy
9. Sathyaraj Ramamoorthy
10. S.Gunashekar
11. T.Chinnasamy
12. A.Velusamy

... Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Order 43 Rule 1 (R) of Civil Procedure Code, to set aside the order and decretal order dated 06.09.2019 in I.A.No.512 of 2019 in O.S.No.300 of 2019 on the file of the Principal District Judge, Tiruppur.

For Appellants : Mr. R.Singaravelan, Senior Advocate for
Mr.B.Nedunchezhiyan

For Respondents : M.J.Mohan, Senior Advocate for
Mr.G.Mutharasu and D.Gopal for R1
R2, R4 and R6 - No Appearance
Mr.S.Saisathiyajith for R7
Mr.K.Kathiresan for R8 and R9
Mr.C.Iyyapparaj for R11
Mr.S.Ravindran, Senior Advocate for
Mr.D.Raghu for R3
Dr.M.Bhuvaneswaran for R5, R10 and R12



In C.M.A. No.4769 of 2019

- 1.M.Subramaniam
2. G.Rathinasabapathy
3. G.Manoharan
4. Ramathal
5. M.Ganesan
6. M.Srinivasan
7. Thangaraj

... Appellants

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Rep. by its Principal,
Karanampettai - Somanur Road,
Samalapuram
Tirupur - 641 663
- 3.R.Ramamoorthy
- 4.S.A.Senthilkumar
- 5.T.Chinnasamy
- 6.A.Velusamy

... Respondents

Prayer: This Civil Miscellaneous Appeals is filed under Order 43 Rule 1 (R) of Civil Procedure Code, to set aside the order and decretal order dated 06.09.2019 in I.A.No.511 of 2019 in O.S.No.300 of 2019 on the file of the Principal District Judge, Tiruppur.



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For Appellants : Mr. R.Singaravelan, Senior Advocate for
Mr.B.Nedunchezhiyan

For Respondents : M.J.Mohan, Senior Advocate for
Mr.G.Mutharasu and D.Gopal for R1
R2 and R3-No Appearance
Dr.M.Bhuvaneswaran for R4 and R6
Mr.C.Iyyapparaj for R5

In C.M.A. Nos.4770 of 2019

- 1.M.Subramaniam
2. G.Rathinasabapathy
3. G.Manoharan
4. Ramathal
5. M.Ganesan
6. M.Srinivasan
7. Thangaraj

... Appellants

Vs.

1. M/s.Ponni Charitable Trust
Samalapuram P.O.,
Rep. by its. President
R.Ramamoorthy
Having Office at No.858, Samalapuram Post,
Tirupur District-641 668
2. M/s. Literacy Mission Matriculation Higher Secondary School
Rep. by its Principal,
Karanampettai - Somanur Road,
Samalapuram
Tirupur - 641 663
3. G.S.Ramasamy
4. R.Ramamoorthy
5. M.V.Thangannan
6. T.Chinnasamy
7. A.Velusamy

... Respondents



Prayer: This Civil Miscellaneous Appeal is filed under Order 43 Rule 1 (R) of Civil Procedure Code, to set aside the order and decretal order dated 06.09.2019 in I.A.No.513 of 2019 in O.S.No.300 of 2019 on the file of the Principal District Judge, Tiruppur.

For Appellants : Mr. R.Singaravelan, Senior Advocate for
Mr.B.Nedunchezhiyan

For Respondents : M.J.Mohan, Senior Advocate for
Mr.G.Mutharasu and D.Gopal for R1
R2 and R4 - No Appearance
Mr.C.Iyyappara for R6
Mr.S.Saisathiyajith for R5
Dr.M.Bhuvaneswaran for R7
Mr.S.Ravindran, Senior Advocate for
Mr.D.Raghu for R3

COMMON JUDGMENT

The above Civil Miscellaneous Appeals are filed against the interims orders dated 06.09.2023 passed in I.A.Nos.511, 512 and 513 2019 in O.S.No.300 of 2019 by the learned Principal District Judge, Tiruppur.



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2 The appellants are defendants 1 to 7 in the above suit. The plaintiffs, who are the respective respondents herein have filed a suit for bare injunction and they have also filed three interlocutory applications seeking interim injunctions. The learned Principal District Judge, Tiruppur, after enquiry, by orders dated 06.09.2019 allowed all the applications, against which, the defendants 1 to 7 have filed the above three civil miscellaneous appeals.

3 It is submitted by the learned Senior counsel appearing for the appellants that they are holding officer of the trust only for limited period and that period is over.

4 It is represented by the learned Senior Counsel for the respective respondents/plaintiffs that the respondents/plaintiffs are permanent trustees and hence the election and subsequent election all these things are nothing to do with the right of permanent trustees.



5 It is represented that the original suit in O.S.No.300 of 2019 is pending from the year 2019, pleadings are completed, issues also framed and it is ripe for trial. However, there was another suit filed challenging subsequent election also.

6 In view of the above facts and since suit is pending from the year 2019 and the impugned orders are only interim injunctions granted by the trial Court, without referring any of the documents, these Civil Miscellaneous Appeals are disposed of on the following terms:

1. The trial Court is directed to commence the trial on 21.09.2023
2. The respondents/plaintiffs are directed to file their proof affidavit on or before 21.09.2023 after serving the same on the defendants and on filing such proof affidavits by the plaintiffs, appellants/defendants are directed to cross examine the witnesses on the same day and at any cost the cross examination shall not beyond 22.09.2023.
3. The plaintiffs are directed to complete their evidence on or before 29.09.2023 and thereafter, the appellants/defendants are directed to complete the evidence on or before 10.10.2023.



4. Thereafter the trial Court is directed to dispose of the suit on or before 18.10.2023 and file report before this Court on 20.10.2023.

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5. In case the respondents/plaintiffs are failed to complete the evidence on or before 29.09.2023, the injunction granted by the trial Court shall stand vacated automatically without any further reference.

6. Since it is suit for bare injunction, the trial Court shall not entertain any other petitions

7. In case, there is no Judge in the Court concerned, the Proceeding Officer who is in-charge of the Court, is directed to take care of this case and to comply with the order of this Court without fail.

8. There shall be an order of status-quo till 29.09.2023.

7 In view of the disposal of the appeals and in view of the endorsement made by the learned counsel for the petitioner, the impleading petitions in CMP Nos.16419, 16421, 16429 of 2023 are dismissed as withdrawn.



8 The connected Miscellaneous Petitions in CMP Nos.27465, 27470, 27456, 27484 of 2019 are closed. No costs.

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19.09.2023

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

Note:

(1) Issue order copy on 19.09.2023

(2) Send this order copy through any electronic mode to the Court concerned on 19.09.2023 itself.

To

1.The Principal District Judge, Tiruppur.

2.The Section Officer,
VR Section, High Court, Madras.



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P.VELMURUGAN. J.

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