



A.No.1429 of 2023
in C.S.No.79 of 2022

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N.SATHISH KUMAR, J.

This application has been filed to implead S.Nakkeeran, No.19/4-A/4, Annamalaiyar Street, Anna Nagar, Putur, Tiruchi – 620 017 as the fourth defendant in the above suit.

2. The main grievance of the applicant is that he was a Executive Committee Member of Trichy and Pudukottai District and he is also a member of the Building Committee as per EC.No.199.05. According to him, he has full knowledge and his objections with regard to the demolition of the building is also not considered by the Executive Committee. Therefore, he is proper and necessary party to be impleaded in the suit as a fourth defendant.

3. The counter has been filed by the defendants 1 to 3 objecting the impleadment of the applicant as a defendant on the ground that the applicant is also a member of the building committee and majority of the committee members have approved the decision of the demolition of the building for reconstruction, now the applicant cannot be impleaded.



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4. According to the plaintiffs, they have no objection for impleading the applicant as one of the fourth defendant.

5. The entire suit itself is proceeded to challenge the decision taken in the Executive Committee to demolish the building of the Society for the purpose of reconstruction. According to the plaintiff, the building cannot be demolished, structural stability is good and cannot be demolished at this stage and only the General Body has absolute power to take a decision.

6. Since the very issue itself is with regard to the decision taken in the Executive Committee, whether such committee meeting will prevail over the General Body or whether the General Body alone is ultimate authority could be seen on the basis of the Bye-laws on trial. Such being the position, merely because the applicant opposes the decision of the General Body, he cannot be impleaded as a matter of right. Accordingly, this application stands dismissed. If at all the applicant wants to prove his stand, he can be examined on behalf of the plaintiff.

7. The Registry is directed to post this suit before the Additional



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Master for recording evidence on 22.01.2024.

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03.01.2024

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