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C.S.No.199 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.S.No.199 of 2020

and

A.No.1816 of 2020

and

O.A.Nos.355 to 357 of 2020

and

O.A.Nos.779 and 780 of 2022

1. Raj Chordia
@ K.Manohar Raajh Chordia

2. Esaani Chordia

... Plaintiffs

Vs.

1. The Research Foundation for Jainology
Represented by its General Secretary
Mr.Krishnachand Chordia
No.18, Ramanuja Iyer Street,
Sowcarpet, Chennai-600 001.

2. KrishnaChand Chordia
General Secretary,
The Research Foundation for Jainology,
No.18, Ramanuja Iyer Street,
Sowcarpet, Chennai-600 001.



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3. The Jain Vidyaashram
A Unit of the Research Foundation for Jainology,
Represented by its Principal
Having its Head Office at
No.18, Ramanuja Iyer Street,
Sowcarpet, Chennai-600 001.
4. The School Management committee
The Jain Vidyaashram,
No.150, Othawaada Street, Puzhal,
Chennai-600 066.
5. Jaya Prakash Lalwani,
Executive Member,
The Research Foundation for Jainology,
No.18, Ramanuja Iyer Street,
Sowcarpet, Chennai-600 001.
6. The Karur Vysa Bank,
Red Hills Branch,
Represented by its Branch Manager,
No.5/2, Sri Subashini Complex,
Vallalar Street, Kamaraj Nagar,
Red Hills, Chennai-600 052.
7. Shanthilal Kothari
alleged President,
The Research Foundation for Jainology,
No.18, Ramanuja Iyer Street,
Sowcarpet, Chennai.
8. Hans Raj M.Mutha
alleged Vice President,
The Research Foundation for Jainology,
No.18, Ramanuja Iyer Street,
Sowcarpet, Chennai.



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9. Shanthi Lal Jain
alleged Vice President,
The Research Foundation for Jainology,
No.18, Ramanuja Iyer Street,
Sowcarpet, Chennai.

10. P.Mitha Lal Jain
alleged Vice President,
The Research Foundation for Jainology,
No.18, Ramanuja Iyer Street,
Sowcarpet, Chennai.

11. J.Mohan Lal Chordia
alleged Vice President,
The Research Foundation for Jainology,
No.18, Ramanuja Iyer Street,
Sowcarpet, Chennai.

12. Gautham Chand Mutha
alleged Vice President,
The Research Foundation for Jainology,
No.18, Ramanuja Iyer Street,
Sowcarpet, Chennai.

13. S.Krishna Chand Chordia
alleged General Secretary,
The Research Foundation for Jainology,
No.18, Ramanuja Iyer Street,
Sowcarpet, Chennai-600 001.

14. Nemi Chand Kothari
alleged Secretary,
The Research Foundation for Jainology,
No.18, Ramanuja Iyer Street,
Sowcarpet, Chennai.



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15. Amrit Lal N.Dagar
alleged Treasurer,
The Research Foundation for Jainology,
No.18, Ramanuja Iyer Street,
Sowcarpet, Chennai.
16. Badal Chand Chhajer
alleged Joint Treasurer,
The Research Foundation for Jainology,
No.18, Ramanuja Iyer Street,
Sowcarpet, Chennai.
17. P.C Chopra
alleged Joint Treasurer,
The Research Foundation for Jainology,
No.18, Ramanuja Iyer Street,
Sowcarpet, Chennai.
18. Mahendra Kumar Jain
alleged Joint Secretary
The Research Foundation for Jainology,
No.18, Ramanuja Iyer Street,
Sowcarpet, Chennai.
19. Mahendra Chand Chordia
alleged Joint Secretary,
The Research Foundation for Jainology,
No.18, Ramanuja Iyer Street,
Sowcarpet, Chennai.
20. Sampath Kumar Bagmar
alleged Joint Secretary,
The Research Foundation for Jainology,
No.18, Ramanuja Iyer Street,
Sowcarpet, Chennai.



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21. N. Sugalchand Jain
alleged Vice President,
The Research Foundation for Jainology,
No.18, Ramanuja Iyer Street,
Sowcarpet, Chennai.
22. Ranjithmull Chordia
alleged Vice President,
The Research Foundation for Jainology,
No.18, Ramanuja Iyer Street,
Sowcarpet, Chennai.
23. Kantilal.H.Sinhvi
alleged Vice President,
The Research Foundation for Jainology,
No.18, Ramanuja Iyer Street,
Sowcarpet, Chennai.
24. Abiya Srisri Mal
alleged Vice President,
The Research Foundation for Jainology,
No.18, Ramanuja Iyer Street,
Sowcarpet, Chennai.
25. Mahaavir Chordia
alleged Joint Secretary,
The Research Foundation for Jainology,
No.18, Ramanuja Iyer Street,
Sowcarpet, Chennai.
26. Sri Amrit Lal Daga,
S/o. Nathmal Daga,
The School Management Committee,
The Jain Vidyaashram,
No.150, Othawaada Street, Puzhal,
Chennai-600 066.



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27. Sampath Kumar Bagmar
S/o. Late Guman Mal Bagmar
The School Management Committee,
The Jain Vidyaashram,
No.150, Othawaada Street, Puzhal,
Chennai-600 066.

28. Esther Stanley
W/o.SJV Stanley
The School Management Committee,
The Jain Vidyaashram,
No.150, Othawaada Street, Puzhal,
Chennai-600 066.

29. Sanjay Kumar Jain
S/o. Shivraj Jain
The School Management Committee,
The Jain Vidyaashram,
No.150, Othawaada Street, Puzhal,
Chennai-600 066.

30. Balasumbramaniam
S/o.Gunasekaran
The School Management Committee,
The Jain Vidyaashram,
No.150, Othawaada Street, Puzhal,
Chennai-600 066.

31. Rajendran
S/o. Pitchai Pillai
The School Management Committee,
The Jain Vidyaashram,
No.150, Othawaada Street, Puzhal,
Chennai-600 066.



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32. Sindhura

W/o. Vamsi Krishna C

The School Management Committee,
The Jain Vidyaashram,
No.150, Othawaada Street, Puzhal,
Chennai-600 066.

33. Ramya

W/o. V.Santhanam

The School Management Committee,
The Jain Vidyaashram,
No.150, Othawaada Street, Puzhal,
Chennai-600 066.

34. Santhanalakshmi

W/o. Premchand

The School Management Committee,
The Jain Vidyaashram,
No.150, Othawaada Street, Puzhal,
Chennai-600 066.

35. Dr. Esther Sathyavathy

W/o. S. Samsan Bharathy

The School Management Committee,
The Jain Vidyaashram,
No.150, Othawaada Street, Puzhal,
Chennai-600 066.

36. The Chief Educational Officer,

Education Department,
Chennai.

... Respondents

(36th Defendant is suo-moto added as
a party in the suit as per order dated
18.11.2023 in C.S.No.199 of 2020.



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Prayer: Complaint under Order IV Rule 1 of OS Rules read with Order VII Rule 1 of CPC to pass a decree and judgment :

a) declaring the alleged Annual General Body Meeting held on 20.10.2019 for the 1st defendant society and the alleged election of Defendants 2 and 7 to 20 as the Executive Committee Members as illegal and void.

b) declaring that the resolution dated 27.02.2020 of the 2nd defendant on behalf of the 3rd defendant circulated on 10.03.2020 as illegal, null and void and not binding on the plaintiffs.

c) declaring that the resolution dated 04.03.2020 of the 2nd defendant as illegal, null and void and not binding on the plaintiffs.

d) declaring that the resolution dated 09.03.2020 of the 2nd defendant as illegal, null and void and not binding on the plaintiffs.

e) permanent injunction restraining the defendants 2,7 to 20 from in any manner claiming, acting or discharging any functions or duties or powers as Executive Committee Members of the 1st defendant society pursuant to the alleged election dated 20.10.2019 or any other date:

f) Permanent injunction restraining the defendants 2, 7 to 20 from in any manner interfering with the plaintiff's continuing the function as



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Members of the 4th defendant School Committee, in charge of the administration, management and financial control of the 3rd defendant school;

g) Permanent injunction restraining the 5th defendant from in any manner acting in the affairs of the 3rd defendant based on the Resolution dated 27.02.2020, circulated on 10.03.2020;

h) Be pleased to declare the alleged Annual General Body Meeting held on 21.03.2021 for the 1st defendant Society and the alleged election of defendants 2, 7, 8, 9, 10, 13 to 16, 18 to 25 as the Executive Committee Members in the meeting dated 24.03.2021 as illegal and void;

i) Be pleased to declare the alleged Selection of respondents 26 to 35/defendants 26 to 35 as School Committee Members of the 4th respondent/defendant as per its proceedings dated 24.03.2021 as illegal and void;

j) permanent injunction restraining the defendants 2, 7, 8, 9, 10, 13 to 16, 18 to 25 from in any manner claiming, acting or discharging any functions or duties or powers as Executive Committee Members of the 1st defendant Society pursuant to the alleged election dated 24.03.2021.

k) permanent injunction restraining the respondents 26 to 35 defendants/ defendants 26 to 35 from in any manner claiming, acting or



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discharging any functions or duties with powers as School Management Committee of the 4th defendant pursuant to the alleged Section 24.03.2021.

(amended as per order dated 18.11.2022 in A.No.1984 of 20212)

l) direct the defendants to pay the cost of the suit

m) and pass such further or other orders as this Hon'ble Court may deem fit and proper in the above circumstances to the case.

For Plaintiffs : Mr.R.Venkatesan
for Mr.A.R.M Arunachalam

For Defendants : Mr.Jayesh B Dolia
for M/s.Aiyar and Dolia
for D5 and D20

JUDGEMENT

This Civil Suit is filed by two individuals husband and wife against the association and office bearers of the school management functioning under first defendant's association. The suit for declaration and permanent injunction and the allied reliefs, totally, there are 11 in number was sought. The prayer is extracted below:

a) declaring the alleged Annual General Body Meeting held on 20.10.2019 for the 1st defendant society and the alleged election of Defendants 2 and 7 to 20 as the Executive Committee Members as illegal and void.



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b) declaring that the resolution dated 27.02.2020 of the 2nd defendant on behalf of the 3rd defendant circulated on 10.03.2020 as illegal, null and void and not binding on the plaintiffs.

c) declaring that the resolution dated 04.03.2020 of the 2nd defendant as illegal, null and void and not binding on the plaintiffs.

d) declaring that the resolution dated 09.03.2020 of the 2nd defendant as illegal, null and void and not binding on the plaintiffs.

e) permanent injunction restraining the defendants 2,7 to 20 from in any manner claiming, acting or discharging any functions or duties or powers as Executive Committee Members of the 1st defendant society pursuant to the alleged election dated 20.10.2019 or any other date:

f) Permanent injunction restraining the defendants 2, 7 to 20 from in any manner interfering with the plaintiff's continuing the function as Members of the 4th defendant School Committee, in charge of the administration, management and financial control of the 3rd defendant school;

g) Permanent injunction restraining the 5th defendant from in any manner acting in the affairs of the 3rd defendant based on the Resolution dated 27.02.2020, circulated on 10.03.2020;



m) and pass such further or other orders as this Hon'ble Court may deem fit and proper in the above circumstances to the case.



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2. The sum and substance of the suit is regarding the decision taken in the Annual General Body Meeting held on 20.10.2019 for the first defendant's society and the election of the defendants as its executive committee and consequential resolutions passed. It is suffice to record that the suit has gone through a checkered distinct multiple applications and directions of this Court. It is now reported that pursuant to the appointment of administrator, fresh election for the society had been conducted and new office bearers have taken charge to administer the defendants 1 , 3 and 4.

3. Though the learned counsel for the plaintiff on record for the plaintiff not present, Mr.R.Venkatesan represented that the plaintiffs have instructed to hand over vakalat and want to engage new counsel. It is also brought to notice of this Court that earlier the Advocate Commissioner pointed out in this case one Mr.R.W.H.Ghyaz Ahamed was removed assigning reasons by an order dated 15.07.2024 and it appears that he has moved the Division Bench against the order but not numbered so far.



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4. Be as it may, the said application has no relevancy to the prayer sought in this suit and the subsequent developments. The requests put across the bar seeking adjournment , since the plaintiff unable to engage a new counsel is not entertained by this Court for simple reason that for past four years, the plaintiff has changed more than five counsels and the prayer what he has sought in the claim has become infructuous.

4. In view of the election of the new office bearers to the defendants 1 to 3 and 4 society pursuant to the order of this Court, the Civil Suit is closed as infructuous.

05.11.2024

Vv



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Dr.G.JAYACHANDRAN,J.

Vv

C.S.No.199 of 2020

and

A.No.1816 of 2020

and

O.A.Nos.355 to 357 of 2020

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O.A.Nos.779 and 780 of 2022

05.11.2024