



Crp No.1451 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 05.03.2024

CORAM:

**THE HONOURABLE MR.JUSTICE V.SIVAGNANAM**

**CRP No.1451 of 2023 and**  
**CMP No.9695 of 2023**

1. C.V.Mohan Rao  
2. S.Vasudevan

... Petitioners

Vs.

1. Sri Raghavendra Swami Seva Sangha  
Panathope Railway Colony,  
Ayanavaram, Chennai 600 023.  
rep. by its Adhoc Committee Chairman  
Mr.S.L.Ravi Sharma

2. N.Vasudevan

3. B.V.Rama Devan

... Respondents

**Prayer:** Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order passed in I.A.No.3/2022 in O.S.No.6189/2022, dated 14.02.2023 by the learned VI Assistant Judge, City Civil Court, Chennai and consequently, order to reject the plaint filed in O.S.No.6189/2022.



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For Petitioners : Mr.T.S.Rajmohan

For Respondents : Mr.K.Seetha Ram for first respondent

### **ORDER**

This Civil Revision Petition has been filed to set aside the order passed in I.A.No.3/2022 in O.S.No.6189/2022, dated 14.02.2023 by the learned VI Assistant Judge, City Civil Court, Chennai

2. The petitioner herein the defendants 1 and 4 and the first respondent herein is the plaintiff and the respondents 2 and 3 herein are the defendants 2 and 3 in the above said suit, which was filed " *for permanent injunction restraining the defendants or their men or agent from any interfering with the administration of the Adhoc Committee and the extra ordinary general body meeting scheduled to be held on 9.10.2022 and the subsequent election to the plaintiff society, except by way of due process of law.*" Pending suit, the petitioners herein have filed the above application in I.A.No.3/2022 to reject the plaint under Order VII Rule 11(d) of CPC and the same was dismissed. Challenging the above order, this civil revision petition has been filed.



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3. Heard the learned counsel for the petitioners and the learned counsel for the first respondent and I have perused the materials on record.

4. According to the petitioners, no such Adhoc Committee was constituted by the Committee, as pleaded in the plaint, and as per Bylaw 14, the Adhoc Committee shall be constituted only for a specific work. It is further contended by the petitioners that, the Adhoc Committee, as claimed by the plaintiff cannot call for any Extraordinary General Body Meeting on 09.10.2022 as pleaded in the plaint and further, the above EGM was not held on 09.10.2022 and hence, the suit itself has become infructuous. Therefore, the plaintiff has no jural right to file the suit and also the prayer, as sought for in the plaint cannot be granted, as such the plaint is liable to be rejected.

5. Per contra, it is contention of the learned counsel for the first respondent/plaintiff that the prayer sought for in the plaint, with regard to the administration of Adhoc Committee; and also whether the Bylaw is permitted to constitute an Adhoc Committee or not; and also the other issues raised by the defendants 1 and 4 have to be adjudicated only after letting evidence by both the parties and for the reasons, as stated by the petitioners, the plaint cannot be rejected. Therefore, he supported the impugned order passed by the



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Trial Court and seeks for dismissal of the civil revision petition.

6. In the plaint, the first respondent/plaintiff has stated that an Adhoc Committee, consisted of the plaintiff and four others, was formed and it was administering the society from 07.03.2022 to 18.06.2022 and conducted Extraordinary general body meeting periodically. It is further stated in the plaint that, since the first defendant along with others have interfered with the administration of the Adhoc Committee and also tried to prevent the extraordinary general body meeting, scheduled to be held on 9.10.2022, the plaintiff has filed the above suit for permanent injunction as stated supra.

7. Though the petitioners have denied that no such Adhoc Committee has been constituted, as pleaded in the plaint, it is not a ground for rejection of plaint, whereas, it has to be adjudicated by the Trial Court, after considering the rival submission and evidence adduced by both the parties. Therefore, this court is of the view that all the allegations and the issues as raised by the petitioners have to be adjudicated by way of trial before the Trial Court and for the reasons as stated by the petitioners, the plaint cannot be rejected. As such, the learned Judge has rightly dismissed the petition and I find no infirmity to interfere over the same. Hence, this civil revision



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petition is liable to be dismissed, as it has no merits.

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8. Accordingly, this civil revision petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

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Index:Yes/No  
Internet:Yes/No  
mst

**To**

The VI Assistant Judge, City Civil Court, Chennai.



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**V.SIVAGNANAM, J.**

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