



C.R.P.(PD).No. 2520 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.08.2024

CORAM

THE HONOURABLE Mr. JUSTICE

V.LAKSHMINARAYANAN

C.R.P.(PD).No. 2520 of 2024

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C.M.P. Nos. 13223 & 16477 of 2024

1.Chennaivazh Thiruthangal Hindu Nadar
Uravinmurai Dharma Fund
Regn. No.114/1960
represented by its Joint Secretary Mr.S.Raja
No.113, P.A.N.Rajarathinam Salai,
Old Washermanpet, Chennai- 600 021.

2.M.Chellappa

...Petitioners

Vs.

C.Sankaralingam

...Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the
Constitution of India challenging the order dated 29.04.2024 made in
I.A.No.2 of 2024 in O.S.No.1868 of 2024 on the file of XIII Assistant



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City Civil Court, Chennai.

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For Petitioners : Mr. S.Kiran

For Respondent : Mr. T.P.Prabhakaran

ORDER

This Civil Revision Petition arises against the order dated 29.04.2024 passed by the learned XIII Assistant City Civil Judge, Chennai in I.A.No.2 of 2024 in O.S.No.1868 of 2024.

2. O.S.No.1868 of 2024 was presented by the 1st respondent herein for a declaration that the interim suspension order issued by the civil revision petitioner on 14.02.2024 is null and void and for mandatory injunction directing the defendants / civil revision petitioners to add the name of the plaintiff in the 1st defendant's membership register. Pending the suit the plaintiff had taken out an application in I.A.No.2 of 2024. In the said application, he had sought for the relief of stay of the interim orders of suspension dated



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14.02.2024.

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3. After receipt of the plaint and the interim application, the learned Judge called upon the civil revision petitioners to file a counter. It is not in dispute that a counter has also been presented on 13.04.2024. Thereafter, the application came up for hearing before the learned Judge on 29.04.2024. It was pleaded by the learned counsel for the plaintiff that taking advantage of the ensuing vacation, the defendants might expel the plaintiff from the Society. The Court also heard the learned counsel for the defendants / civil revision petitioners on this issue. Finally, the learned Judge came to the conclusion that status quo shall be maintained by the parties until further orders and that the status of the 1st respondent herein as a member of the society which prevailed on 07.02.2024 shall continue, since he wanted the Court to scrutinise the validity of the order dated 14.02.2024, at the time of final disposal of I.A.No.2 of 2024.



4. Aggrieved by the same the present Civil Revision Petition is filed.

5. Heard Mr. S.Kiran for the civil revision petitioners / defendants and Mr.T.P.Prabhakaran for the respondent / plaintiff.

6. The narration of the above facts would go to show that the application seeking for stay of the interim suspension dated 14.02.2024 is still pending before the Court below. All that the Court has done is to ensure that situation that prevailed on 07.02.2024 be maintained i.e., the plaintiff should not be expelled from the Society when the application is still pending before the Court. This is very clear from a perusal of the order dated 29.04.2024. The order neither prejudices the petitioner Society nor the 1st respondent by maintaining status quo pending the disposal of the application.

7. I am not able to appreciate the contention of the civil revision



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petitioners that they are aggrieved. The learned Trial Judge is yet to hear and dispose of I.A.No.2 of 2024.

8. Considering the facts and circumstances of the case, the learned XIII Assistant City Civil Judge, Chennai is directed to hear and pass orders in I.A.No.2 of 2024 at the earliest, in any event on or before 30.09.2024. Both sides agreed that pleadings are complete and documents have already been filed before the Court. All that remains is the passing of final orders after hearing the arguments. Therefore, without going into the findings of this case, the learned Judge is directed to dispose of the said petition on its own merits.

9. With the above direction, the Civil Revision Petition is disposed of. Consequently, the connected miscellaneous petitions are closed. No costs.

13.08.2024

Index : Yes/No
Internet : Yes/No



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To

The XIII Assistant City Civil Court,
Chennai.



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V.LAKSHMINARAYANAN, J.

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