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C.R.P. No. 3650 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2024

CORAM

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

C.R.P. No. 3650 of 2024

and

C.M.P. No. 19838 of 2024

Rathna S.Ravi
S/o Sudalaimani
President (in charge)
Villivakkam Vyabarigal Sangam
Having office at
No.19, Gandhi Street,
Villivakkam,
Chennai - 600049.

... Petitioner / Respondent-3 / Defendant-1

Vs.

1. P.James

Ex. General Secretary
Members of Five Member Selection Committee 2010
No.19, Gandhi Street,
Villivakkam,
Chennai - 600049.

... Respondent-1 / Petitioner / Plaintiff-3

N.M.Samsudeen (Deceased)

Ex. Vice President
Member of Five Member Selection Committee 2010
Villivakkam Vyabarigal Sangam
No.19, Gandhi Street, Villivakkam
Chennai - 600049.

2. D.Rajappa

Ex. President
Member of Five Member Selection Committee 2010
Villivakkam Vyabarigal Sangam
No.19, Gandhi Street,



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Villivakkam
Chennai - 600049.

... Respondents-2/Respondents-2/Plaintiffs-2

3. Karunanidhi

General Secretary (in Charge)
Villivakkam Vyabarigal Sangam
No.19, Gandhi Street,
Villivakkam
Chennai - 600049.

4. Ponnusamy

Treasurer (In Charge)
Villivakkam Vyabarigal Sangam
No.19, Gandhi Street,
Villivakkam
Chennai - 600049.

... Respondents-3&4/Respondents-3&4/
Defendants-2&3

5. R.Ravindran

Advocate Receiver
Villivakkam Vyabarigal Sangam
No.19, Gandhi Street,
Villivakkam
Chennai - 600049.

... Respondent-5 / Respondent-6 / Receiver

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 19.03.2024 in I.A. No. 1 of 2019 in O.S. No. 13966 of 2010 on the file of the XVIII Assistant City Civil Court at Chennai.

For Petitioner : Mr. Y.Arul Manickam

ORDER



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The civil revision petition arises against the order of the learned XVIII Assistant City Civil Court at Chennai in I.A. No. 1 of 2019 in O.S. No. 13966 of 2010 dated 19.03.2024.

2. The civil revision petitioner is the first defendant in the suit. By virtue of the impugned order, the learned Judge has appointed an Advocate Commissioner to conduct the election to the Villivakkam Vyabarigal Sangam. Paragraph nos. 25, 26 and 28 records that all the parties to the suit gave consent for the purpose of conducting the election.

3. Mr. Y.Arul Manickam, learned counsel for the civil revision petitioner would submit that his counterpart in the Trial Court did not give consent to the order passed by the learned Trial Judge. From the perusal of the order as pointed out above, it is clear that the learned Judge, in not one but in 3 places, has recorded that there was consensus between the parties to hold the election and the list of voters had been circulated in S.R. No. 85621 had been agreed upon. When consent has been recorded in 3 places, I am afraid the civil revision petition is not maintainable challenging the same. A consent order is not revisable. In case, as pleaded by Mr. Y.Arul Manickam, if his counterpart had not given consent, the remedy for the parties is to approach the very same Court by way of a review pleading that the recording by the Court of the



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consent is erroneous. Granting that liberty to the petitioner, the civil revision petition is dismissed.

4. Accordingly, the civil revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

09.09.2024

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No
pal

To
The XVIII Assistant City Civil Court at Chennai.



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V.LAKSHMINARAYANAN, J.,

pal

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