



WEB COPY



C.S.No.179 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2024

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

C.S.No.179 of 2023 and
O.A.Nos.780 & 781 of 2023 and
A.No.4884 of 2023

Young Women's Christian Association of India,
10, Sansad Marg,
New Delhi – 110 001,
Rep by its National General Secretary,
Ms.Dhiya Ann Mathew

... Plaintiff

Vs.

- 1.Young Women's Christian Association of Madras,
1086, Poonamallee High Road,
Chennai 600 084,
Rep by its Executive General Secretary.
- 2.The President,
Young Women's Christian Association of Madras,
1086, Poonamallee High Road,
Chennai - 600 084.
- 3.The Vice President,
Young Women's Christian Association of Madras,
1086, Poonamallee High Road,
Chennai - 600 084.



C.S.No.179 of 2023

4.The Executive General Secretary,
Young Women's Christian Association of Madras,
1086, Poonamallee High Road,
Chennai - 600 084.

5.The Treasurer,
Young Women's Christian Association of Madras,
1086, Poonamallee High Road,
Chennai - 600 084.

... Defendants

PRAYER: Civil Suit filed under Order VII Rule 1 of C.P.C., read with
Order IV Rule 1 of Rules of the Original Side Rules,

(a) For a Declaration declaring that the 2022 constitution adopted and passed at the Extraordinary General Meeting of the 1st defendant Society held on 26.11.2022 at the YWCA of Madras club are illegal, null and void.

(b) For a Declaration declaring that the Extraordinary General Meeting of the 1st defendant Society held on 26.11.2022 at the YWCA of Madras Clubroom and all decisions or actions taken, resolutions passed, and all transactions conducted including elections conducted based on the 2022 constitution and byelaws of the 1st defendant adopted at the said EGM are illegal, null and void.

(c) For a Declaration declaring that all actions, decisions, resolutions and transactions of the Board of Management of the 1st defendant with respect to the management and affairs of the 1st defendant pursuant to 25.11.2022 are illegal, null and void,



C.S.No.179 of 2023

WEB COPY

(d) For a declaration declaring that the Suspension Notice dated 25.11.2022 issued by the plaintiff's Task Force appointed in the 31st National Convention of the plaintiff suspending the Board of Management of the 1st defendant with effect from 25.11.2022 is binding upon the 1st defendant and its members.

(e) For a declaration declaring that the Task Force appointed in the 31st National Convention of the plaintiff is valid and entitled to administer the management and affairs of the 1st defendant in accordance with the Constitution and byelaws of the 1st defendant as adopted in the year 2012 through Advisory Board and Administrator appointed by Task Force until there are proper arrangements for the functioning of the 1st defendant under the Constitution and byelaws of the 1st defendant as adopted in the year 2012.

(f) For permanent injunction restraining the Board of Management of the 1st defendant from acting, functioning or holding out as members of the Board of Management of the 1st defendant in any manner whatsoever.

(g) For permanent injunction restraining the defendants and all persons claiming under the defendants, from acting upon, or giving any effect to, in any manner whatsoever, all actions or decisions taken, all resolutions passed and all transactions conducted, including the elections or any actions under the 2022 Constitution and Byelaws of the 1st defendant adopted at the Extraordinary General Meeting of the 1st



C.S.No.179 of 2023

defendant Society held on 26.11.2022 at the YWCA of Madras Clubroom.

(h) For mandatory injunction directing the defendants to hand over the management and administration, society records, including documents of properties, staff records, statutory and tax records, bank accounts, fixed deposit receipts, bank pass books and cheque books, accounts statements, keys both original and duplicate, passwords etc., of the 1st defendant to the administrator appointed by the plaintiff.

For Plaintiff : Mr.Thomas T Jacob

For D1, D2 &D4 : Mr.P.Tamilavel

For D3 & D5 : Mrs.V.Srimathi

JUDGMENT

This suit has been filed seeking declaration, permanent and mandatory injunction against the defendants.

2. The suit has been filed by the Young Women's Christian Association of India, a Society registered under the Societies Act, 1860, having registered office at New Delhi. The plaintiff is represented by National General Secretary. The plaintiff has expressed grievance against the Young Women's Christian Association of Madras, represented by the Executive General Secretary, the first defendant herein. The Executive



C.S.No.179 of 2023

General Secretary has also been sued in her personal capacity as D4. The President, Vice President and Treasurer have also been sued in their personal capacities as D2, D3 and D5.

3. The learned counsel for the plaintiff has stated that he is withdrawing the suit as against the Vice President and the Treasurer, who are D3 & D5. As against the first, second and fourth defendants viz., Young Women's Christian Association of Madras represented by its Executive General Secretary and against the President and the Executive General Secretary, a memo of compromise has been presented and that has been signed on behalf of the plaintiff by the National General Secretary and on behalf of the first defendant by the Executive General Secretary and also by the second and fourth defendants who are the President and Executive General Secretary of Young Women's Christian Association, Madras.

4. This brings to a conclusion the litigation and hopefully provides permanent solution for the grievances raised in the plaint viz.,



C.S.No.179 of 2023

with respect to a constitution adopted on 26.11.2022 of the Extraordinary General Meeting of the first defendant Society and a consequential relief questioning that particular constitution and seeking that the said constitution adopted on 26.11.2022 by the Extraordinary General Meeting as null and void and there no right would flow from that. This would also imply that the suspension notice issued by the plaintiff superseding the resolution dated 26.11.2022 as having come into effect and being binding on the first defendant. In effect, it is contended that the first defendant would function only under the aegis of the plaintiff and cannot take any independent decision by themselves. Recognising this particular fact, a joint memo of compromise has been filed by the parties. The plaintiff and the defendants 1,2, and 4 are also present before this Court and they affirmed the compromise.

5. Taking into consideration these facts and hopefully no further controversy would arise among the parties, the suit is decreed in terms of the compromise memo as against 1st , 2nd and 4th defendants and dismissed as withdrawn as against 3rd and 5th defendants. The Joint



C.S.No.179 of 2023

memo of compromise dated 18.06.2024 shall form part of the decree.

WEB COPY

6. The learned counsel for the plaintiff made a fervent plea that the plaintiff is entitled for refund of Court Fee. The Registry may examine that particular fact in the light of the fact that suit dismissed as withdrawn as against the defendants 3 and 5 and the compromise effected. No costs. Consequently, connected applications are closed.

18.06.2024

Index :Yes/No
gsk



WEB COPY



C.S.No.179 of 2023

C.V.KARTHIKEYAN,J.

gsk

C.S.No.179 of 2023 and
O.A.Nos.780 & 781 of 2023 and
A.No.4884 of 2023

18.06.2024