



SA.(MD)No.1258 of 2006

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2024

CORAM

THE HON'BLE MR.JUSTICE V.SIVAGNANAM

SA.(MD)No.1258 of 2006

V.Sundaramoorthi

... Appellant

Vs.

1. The Inspector General of Registration,
128, Santhome High Road,
Raja Annamalaipuram,
Chennai-28.

2. The Deputy Inspector General
of Registration, Jawans Bhavan,
II Floor, Near Railway Station,
Madurai Town.

3 .The District Registrar (Admn.)
The Office of District Registrar,
Tirupathur Road,
Sivagangai Town.

4.The President,
Paramakudi Vania Uravinmurai Pothu Suba,
8/19, Kannagi Street,
Paramakudi Town,
Ramanathapuram District.

... Respondents

PRAYER : Second Appeal filed under Section 100 Cr.P.C., against the judgment and decree in A.S.No.17 of 2006 on the file of the Sub Court, Paramakudi, confirming the judgment and decree dated 24.01.2006 made



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in O.S.No.9 of 2005 on the file of the District Munsif Court, Paramakudi.

For Appellant : Mr.S.Sreenivasaraghavan
For Respondents : Mr.Mohammed Saibu
for M/s. Ajmal Associates for R4
: Mr.M.Sidharthan,
Additional Government Pleader
for R1 to R3

JUDGMENT

This second appeal has been filed against the judgment and decree in A.S.No.17 of 2006 on the file of the Sub Court, Paramakudi, confirming the judgment and decree dated 24.01.2006 made in O.S.No.9 of 2005 on the file of the District Munsif Court, Paramakudi.

2. The appellant is the plaintiff in O.S.No.9 of 20005 on the file of the District Munsif, Paramakudi. The respondents are the defendants in the above suit.

3. The plaintiff / appellant filed the suit with the following prayer:

“(a) declaration that the amended bye-laws which was taken on file 14.09.2004 and which was subsequently registered on the file of the District



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Registrar is null and void;

(b) Pass a decree for permanent injunction restraining the Paramakudi Vaniyar Uravinmuraiyarkalin Pothu Sabai from giving effect to or putting into operation or applying or effectuating the amended by-law in the day to day business or administration of the Society; and

(c) Pass such other further orders as the Court may deem fit and proper in the circumstances of the case.”

4. Before the trial Court, both the parties not let in oral evidence and only marked document. The plaintiff's side marked Ex.A1 to Ex.A21 and the defendants side marked Ex.B1 to Ex.B28. Both side no oral evidence adduced.

5. The trial Court after considering the evidence on records, dismissed the suit on the ground that the District Registrar of the Society after following the procedures and also that Court had no jurisdiction to decide the issue, dismissed the suit.



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6. Aggrieved by this, the appellant filed an appeal in A.S.No.17 of 2006 before the Subordinate Judge, Paramakudi. The First Appellate Court also confirmed the judgment of the trial Court. Aggrieved by this, the plaintiff filed this Second Appeal before this Court.

7. While admitting the appeal, the following questions of law are framed by this Court.

“Whether the Courts below are correct in law in holding that the Registrar's action of taking on file the amended bye-law is right, when the Society has not complied with filing of the documents as referred in clause (b) Sub Section (3) of Section 16, from the financial year 1996-1997 onwards, after which the Society loses its functionality and become dormant for the purpose of the Tamil Nadu Societies Registration Act after the prescribed period of filing the same?

Whether the Courts below are correct in law in holding that the suit is not maintainable placing reliance upon Section 2(b) of the Tamil Nadu Societies Registration Act, 1975, when the same refers the Court, in which appeal can be filed against the order of the liquidator of the Society, when the relief asked for is only of Civil nature, which is not expressly and impliedly



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barred under the Tamil Nadu Societies Registration Act, 1975?”

8. The learned counsel for the appellant submitted that in this case the trial Court without examining oral evidence, marked documents Ex.A1 to Ex.A21 and Ex.B1 to Ex.B28 and admitted the documents. Without examining the parties is illegal and not considered the case on merit.

9. The First Appellate Court also, without considering this aspect, confirmed the judgment of the trial Court, which is illegal and thus seeking to set aside the judgment and decree of the Courts below.

10. The learned counsel for the Additional Government Pleader appearing for the respondents 1 to 3 as well as the fourth respondent supported the judgment of the trial Court and the First Appellate Court and further submitted that in view of Section 2(b) of the Tamil Nadu Societies Act, the Munsif Court has no jurisdiction to entertain the suit. Therefore, they are rightly dismissed the suit. There is no ground for interference.



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11. I have considered the matter in the light of the submissions made on either side and perused the materials on record as well as the judgments passed by the Courts below.

12. The plaint prayer is as follows:

“(a) declaration that the amended bye-laws which was taken on file 14.09.2004 and which was subsequently registered on the file of the District Registrar is null and void;

(b) Pass a decree for permanent injunction restraining the Paramakudi Vaniyar Uravinmuraiyarkalin Pothu Sabai from giving effect to or putting into operation or applying or effectuating the amended bye-law in the day to day business or administration of the Society; and

(c) Pass such other further orders as the Court may deem fit and proper in the circumstances of the case.”

13. The plaintiff in the case sought to declare the amended bye-laws, which was taken on file on 14.09.2004 and subsequently, by the District Registrar is null and void. Any suit, with regard to the



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amendment of the by-laws of the Society, the Munsif Court has no jurisdiction. Only the District Court is having jurisdiction, in view of Section 2(b) of the Tamil Nadu Societies Registration Act.

14. Further, on perusal of the records of the documents on both sides marked by consent. Under these circumstances, the contention of the learned counsel for the appellant has no merit. Since the Munsif Court is not having jurisdiction to entertain the suit, in view of Section 2 (b) of Tamil Nadu Societies Registration Act, rightly dismissed as it has no jurisdiction. The First Appellate Court also confirmed the judgment and decree of the trial as the trial Court has no jurisdiction to entertain the suit. Therefore, I find that the Second Appeal has no merit and answered the questions of law framed by this Court accordingly.

15. This Second Appeal is dismissed. No costs.

19.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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V.SIVAGNANAM,J.

LS.

To

- 1.The Sub Court,
Paramakudi.
- 2.The District Munsif Court,
Paramakudi.
3. The Inspector General of Registration,
128, Santhome High Road,
Raja Annamalaipuram, Chennai-28.
4. The Deputy Inspector General
of Registration, Jawans Bhavan,
II Floor, Near Railway Station,
Madurai Town.
- 5 .The District Registrar (Admn.)
The Office of District Registrar,
Tirupathur Road, Sivagangai Town.
- 6.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

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