



C.R.P.(MD)No.331 to 333, 719 to 731 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 27/03/2024

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

C.R.P(MD)Nos.331 to 333 of 2024, 719 to 731 of 2024

and

**CMP(MD)Nos.1532, 1533, 1535, 1536, 1539, 1541, 3850,
3852, 3853, 3854 of 2024**

(1)CRP(MD)No.333 of 2024:-

Anitha R.Sivanandam Nadar : Petitioner/1st Respondent/
1st Defendant

Vs.

C.Kamaraj Nadar (Died)

1.K.Usha : 1st Respondent/Appellant/
Impleading plaintiff

2.Tirunelveli Dakshanamara Nadar Sangam,
Rep. by its Secretary,
Door No.70, Sindhupondurai Salai Street,
Tirunelveli District. : 2nd Respondent/2nd Respondent/
2nd Defendant

PRAYER:-Civil Revision Petition has been filed under Section 115 of the Code of Civil Procedure, to set aside the fair and decreetal order, dated 07/12/2023 in IA No. 33 of 2023 in OS No.205 of 2022 on the file of the Principal Sub Court, Tirunelveli and pass further or other orders.

For Petitioner : Mr.E.O.M.Prakash
Senior Counsel
for Mr.G.Adithya Raj

For 1st Respondent : Mr.V.Raghavachari
Senior Counsel
for Mr.P.P.Alwin Balan



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For 2nd Respondent : Mr.S.Meenakshmi Sundaram
Senior Counsel
Mr.R.T.Arivu Kumar

(2).CRP(MD)No.720 of 2024:-

Anitha R.Sivanandam Nadar : Petitioner/1st Respondent/
1st Defendant

Vs.

C.Kamaraj Nadar (Died)
1.K.Usha : 1st Respondent/Appellant/
Impleading Plaintiff

2.Tirunelveli Dakshanamara Nadar Sangam,
Rep. by its Secretary,
Door No.70, Sindhupoondurai Salai Street,
Tirunelveli District. : 2nd Respondent/
2nd Respondent/2nd Defendant

PRAYER:-Civil Revision Petition has been filed under Section 115 of the Code of Civil Procedure, to set aside the fair and decreetal order, dated 07/12/2023 in IA No. 35 of 2023 in IA No.2 of 2022 in OS No.205 of 2022 on the file of the Principal Sub Court, Tirunelveli and pass further or other orders.

For Petitioner : Mr.E.O.M.Prakash
Senior Counsel
for Mr.G.Adithya Raj

For 1st Respondent : Mr.V.Raghavachari
Senior Counsel
for Mr.P.P.Alwin Balan

For 2nd Respondent : Mr.S.Meenakshmi Sundaram
Senior Counsel
Mr.R.T.Arivu Kumar



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(3).CRP (MD)No.722 of 2024:-

Anitha R.Sivanandam Nadar : Petitioner/1st Respondent/
1st Respondent/1st Defendant

Vs.

C.Kamaraj Nadar (died)

1.K.Usha : 1st Respondent/Appellant/
Proposed Appellant/
Impleading Plaintiff

2.Tirunelveli Dakshanamara Nadar Sangam,
Rep. by its Secretary,
Door No.70,
Sindhupoondurai Salai Street,
Tirunelveli District. : R2/R2/R2/2nd Defendant

3.The District Registrar of Societies
(Administration),
Tirunelveli Registration District,
Combined Registration Department Office,
Behind St. John's School,
Sankar Colony, Palayamkotai.

4.Joint Director of Collegiate Education,
Office of Joint Director of Collegiate Education,
Near to Rani Annai College, Tirunelveli.

5.Government of Tamil Nadu,
Rep. by its District Collector,
Tirunelveli District. : R3 to R5/Respondents/
Respondents/Proposed
Defendants

PRAYER:-Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 07/12/2023 in IA No. 37 of 2023 in IA No.3 of 2022 in OS No.205 of 2022 on the file of the Principal Sub Court, Tirunelveli and pass further or other orders.



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For Petitioner : Mr.E.O.M.Prakash
Senior Counsel
for Mr.G.Adithya Raj

For 1st Respondent : Mr.V.Raghavachari
Senior Counsel
for Mr.P.P.Alwin Balan

For 2nd Respondent : Mr.S.Meenakshmi Sundaram
Senior Counsel
Mr.R.T.Arivu Kumar

For R3 to R5 : Mr.A.Sivanu Pandian
Government Advocate (Civil)

(4).CRP(MD)No.724 of 2024:-

Anitha R.Sivanandam Nadar : Petitioner/1st Respondent/
1st Respondent/1st Defendant

Vs.

C.Kamaraj Nadar (died)

1.K.Usha : 1st Respondent/Appellant/
Proposed Appellant/
Impleading Plaintiff

2.Tirunelveli Dakshanamara Nadar Sangam,
Rep. by its Secretary,
Door No.70,
Sindhupoondurai Salai Street,
Tirunelveli District. : R2/R2/R2/2nd Defendant

3.The District Registrar of Societies
(Administration),
Tirunelveli Registration District,
Combined Registration Department Office,
Behind St. John's School,
Sankar Colony, Palayamkotai.

4.Joint Director of Collegiate Education,
Office of Joint Director of Collegiate Education,
Near to Rani Annai College, Tirunelveli.

5.Government of Tamil Nadu,
Rep. by its District Collector,
Tirunelveli District. :R3 to R5/Respondents/
Respondents/Proposed
Defendants



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PRAYER:-Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 07/12/2023 in IA No. 37 of 2023 in IA No.3 of 2022 in OS No.205 of 2022 on the file of the Principal Sub Court, Tirunelveli and pass further or other orders.

For Petitioner : Mr.E.O.M.Prakash
Senior Counsel
for Mr.G.Adithya Raj

For 1st Respondent : Mr.V.Raghavachari
Senior Counsel
for Mr.P.P.Alwin Balan

For 2nd Respondent : Mr.S.Meenakshmi Sundaram
Senior Counsel
Mr.R.T.Arivu Kumar

For R3 to R5 : Mr.A.Sivanu Pandian
Government Advocate (Civil)

(5).CRP(MD)No.725 of 2024:-

Anitha R.Sivanandam Nadar : Petitioner/1st Respondent/
1st Respondent/1st Defendant

Vs.

C.Kamaraj Nadar (died)

1.K.Usha : 1st Respondent/Appellant/
Proposed Appellant/
Impleading Plaintiff

2.Tirunelveli Dakshanamara Nadar Sangam,
Rep. by its Secretary,
Door No.70,
Sindhupoondurai Salai Street,
Tirunelveli District. : R2/R2/R2/2nd Defendant

PRAYER:-Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 07/12/2023 in IA No.



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41 of 2023 in IA No.11 of 2022 in OS No.205 of 2022 on the file of the Principal Sub Court, Tirunelveli and pass further or other orders.

For Petitioner : Mr.E.O.M.Prakash
Senior Counsel
for Mr.G.Adithya Raj

For 1st Respondent : Mr.V.Raghavachari
Senior Counsel
for Mr.P.P.Alwin Balan

For 2nd Respondent : Mr.S.Meenakshmi Sundaram
Senior Counsel
Mr.R.T.Arivu Kumar

(6).CRP (MD)No.727 of 2024:-

Anitha R.Sivanandam Nadar : Petitioner/1st Respondent/
1st Defendant

Vs.

C.Kamaraj Nadar (died)
1.K.Usha : 1st Respondent/Appellants/
Proposed Appellant/
Impleadings Plaintiff

2.Tirunelveli Dakashanamara Nadar Sangam,
Rep. by its Secretary,
Door No.70, Sindhupoondurai
Salai Street,
Tirunelveli District : 2nd Respondent/
2nd Respondent/2nd Defendant

3.R.K.Kalidasan Nadar
4.T.Rajakumar Nadar
5.A.Selvaraj Nadar
6.VP Ramanathan Nadar
7.SKTB Kamaraj Nadar
8.Kamaraj Nadar
9.SRS Umarisankar Nadar
10.SR Vaidyalingam Nadar
11.A.Kalyanasundaram Nadar
12.SA.Sivabalan Nadar
13.T.Arumuganainar Nadar



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- 14.S.Sivasankar Nadar
15.SS Chandrasekar Nadar
16.S.Selvan Nadar
17.S.Nithyabalaiya Nadar
18.S.Essakimuthu @ Ashokan Nadar
19.K.Ravindran Nadar
20.P.Natesan Nadar
21.M.Thanithangam
22.A.Naynar Nadar
23.R.Brahmanand Nadar
24.S.Ramasubbu Nadar
25.S.Janakar Nadar
26.AP Sathishkumar Nadar
27.P.Selvaraj Nadar
28.R.Thangavelu Nadar
29.K.Balraj Nadar
30.SK Chellapandi Nadar
31.SK Radhakrishnan Nadar
32.AB Ramesh Nadar
33.B.Manickavasagam Nadar
34.P.Ragunathan Nadar
35.A.Ashokan Nadar
36.P.Ragavan Nadar
37.D.Soundarraaj Nadar
38.S.Anbulingam Nadar
39.P.S.Kaniraj Nadar

: R3 to R39/Respondents/
Respondents/
Proposed Defendants

PRAYER:-Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 07/12/2023 in IA No. 43 of 2023 in IA No.18 of 2022 in OS No.205 of 2022 on the file of the Principal Sub Court, Tirunelveli and pass further or other orders.

For Petitioner : Mr.E.O.M.Prakash
Senior Counsel
for Mr.G.Adithya Raj

For 1st Respondent : Mr.V.Raghavachari
Senior Counsel
for Mr.P.P.Alwin Balan

For 2nd Respondent : Mr.S.Meenakshmi Sundaram
Senior Counsel
Mr.R.T.Arivu Kumar



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(7).CRP (MD)No.729 of 2024:-

Anitha R.Sivanandam Nadar : Petitioner/1st Respondent/
1st Defendant

Vs.

C.Kamaraj Nadar (died)

1.K.Usha : 1st Respondent/Appellants/
Proposed Appellant/
Impleadings Plaintiff

2.Tirunelveli Dakashanamara Nadar Sangam,
Rep. by its Secretary,
Door No.70, Sindhupoondurai
Salai Street,
Tirunelveli District : 2nd Respondent/
2nd Respondent/2nd Defendant

PRAYER:-Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 07/12/2023 in IA No. 45 of 2023 in IA No.19 of 2022 in OS No.205 of 2022 on the file of the Principal Sub Court, Tirunelveli and pass further or other orders.

For Petitioner : Mr.E.O.M.Prakash
Senior Counsel
for Mr.G.Adithya Raj

For 1st Respondent : Mr.V.Raghavachari
Senior Counsel
for Mr.P.P.Alwin Balan

For 2nd Respondent : Mr.S.Meenakshmi Sundaram
Senior Counsel
Mr.R.T.Arivu Kumar



C.R.P.(MD)No.331 to 333, 719 to 731 of 2024

(8).CRP (MD)No.730 of 2024:-

Anitha R.Sivanandam Nadar : Petitioner/1st Respondent/
1st Defendant

Vs.

C.Kamaraj Nadar (died)

1.K.Usha : 1st Respondent/Appellants/
Impleadings Plaintiff

2.Tirunelveli Dakashanamara Nadar Sangam,
Rep. by its Secretary,
Door No.70, Sindhupoondurai
Salai Street,
Tirunelveli District : 2nd Respondent/
2nd Respondent/2nd Defendant

PRAYER:-Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 07/12/2023 in IA No. 46 of 2023 in IA No.20 of 2023 in OS No.205 of 2022 on the file of the Principal Sub Court, Tirunelveli and pass further or other orders.

For Petitioner : Mr.E.O.M.Prakash
Senior Counsel
for Mr.G.Adithya Raj

For 1st Respondent : Mr.V.Raghavachari
Senior Counsel
for Mr.P.P.Alwin Balan

For 2nd Respondent : Mr.S.Meenakshmi Sundaram
Senior Counsel
Mr.R.T.Arivu Kumar

(9)CRP (MD)No.331 of 2024:-

Anitha R.Sivanandam Nadar : Petitioner/1st Respondent/
1st Defendant

Vs.

C.Kamaraj Nadar (Died)



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1.E.Packyaraj

: 1st Respondent/Appellant/
Impleading Plaintiff

2.Tirunelveli Dakshanamara Nadar Sangam,

Rep. by its Secretary,

Door No.70, Sindhupoondurai Salai Street,

Tirunelveli District.

: 2nd Respondent/2nd Respondent/
2nd Defendant

PRAYER:-Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 07/12/2023 in IA No. 48 of 2023 in OS No.205 of 2022 on the file of the Principal Sub Court, Tirunelveli and pass further or other orders.

For Petitioner

: Mr.E.Om.Prakash
Senior Counsel
for Mr.G.Adithya Raj

For 1st Respondent

: Mr.Meiyappan Mohan

For 2nd Respondent

: Mr.S.Meenakshi Sundaram
Senior Counsel
for Mr.R.T.Arivu Kumar

(10)CRP(MD)No.332 of 2024:-

Anitha R.Sivanandam Nadar

: Petitioner/1st Respondent/
1st Defendant

Vs.

C.Kamaraj Nadar (Died)

1.Selvakumar Nadar

2.S.Sundaraj @ Sundar Nadar

3.P.Rajasekar Nadar

: Respondents 1 to 3/
Appellants/Impleading
Plaintiffs 2-4

4.Tirunelveli Dakshanamara Nadar Sangam,

Rep. by its Secretary,

Door No.70, Sindhupoondurai Salai Street,

Tirunelveli District.

: 5th Respondent/
2nd Respondent/
2nd Defendant



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PRAYER:-Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 07/12/2023 in IA No. 32 of 2023 in OS No.205 of 2022 on the file of the Principal Sub Court, Tirunelveli and pass such further or other orders.

For Petitioner : E.O.M.Prakash
Senior Counsel
for Mr.G.Adithya Raj

For R1 to R3 : Mr.D.Venkatesh

For 4th Respondent : Mr.S.Meenakshi Sundaram
Senior Counsel
for Mr.R.T.Arivu Kumar

(11)CRP(MD)No.719 of 2024:-

Anitha R.Sivanandam Nadar : Petitioner/1st Respondent/
1st Defendant
Vs.

C.Kamaraj Nadar (Died)

1.N.Selvakumar Nadar
2.S.Sundarraaj @ Sundar Nadar
3.P.Rajasekar Nadar : R2 and R3/Appellants/
Impleading Plaintiffs 2-4

4.Tirunelveli Dakshanamara Nadar Sangam,
Rep. by its Secretary,
Door No.70, Sindhupoondurai Salai Street,
Tirunelveli District. : 4th Respondent/2nd Respondent/
2nd Defendant

PRAYER:-Civil Revision Petition has been filed under Section 115 of the Code of Civil Procedure, to set aside the fair and decreetal order, dated 07/12/2023 in IA No. 34 of 2023 in IA No.2 of 2022 in OS No.205 of 2022 on the file of the Principal Sub Court, Tirunelveli and pass further or other orders.



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For Petitioner : Mr.E.O.M.Prakash
Senior Counsel
for Mr.G.Adithya Raj

For R1 to R3 : Mr.D.Venkatesh

For 4th Respondent : Mr.S.Meenakshmi Sundaram
Senior Counsel
Mr.R.T.Arivu Kumar

(12).CRP (MD)No.721 of 2024:-

Anitha R.Sivanandam Nadar : Petitioner/1st Respondent/
1st Defendant

Vs.

C.Kamaraj Nadar : Deceased Plaintiff
1.N.Selvakumar Nadar
2.S.Sundarraaj @ Sundar Nadar
3.P.Rajasekar Nadar : R1 to R3/Appellants/
Impleading Plaintiffs 2-4

4.Tirunelveli Dakshanamara Nadar Sangam,
Rep. by its Secretary,
Door No.70, Sindhupoondurai Salai Street,
Tirunelveli District. : 4th Respondent/
2nd Respondent/2nd Defendant

5.The District Registrar of Societies,
(Administration),
Tirunelveli Registration District,
Combined Registration Department Office,
Behind St. John's School,
Sankar Colony, Palayamkotai.

6.Joint Director of Collegiate Education,
Office of Joint Director of Collegiate Education,
Near to Rani Anna College, Tirunelveli.

7.Government of Tamil Nadu,
Rep by its District Collector,
Tirunelveli District. : R5 to R7/Respondents/
Proposed Defendants

PRAYER:-Civil Revision Petition has been filed under
Section 115 of the Code of Civil Procedure, to set aside
the fair and decreetal order, dated 07/12/2023 in IA No.



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36 of 2023 in IA No.3 of 2022 in OS No.205 of 2022 on the file of the Principal Sub Court, Tirunelveli and pass further or other orders.

For Petitioner : Mr.E.O.M.Prakash
Senior Counsel
for Mr.G.Adithya Raj

For R1 to R3 : Mr.D.Venkatesh

For 4th Respondent : Mr.S.Meenakshmi Sundaram
Senior Counsel
Mr.R.T.Arivu Kumar

For R5 to R7 : Mr.A.Sivanu Pandian
Government Advocate (Civil)

(13).CRP(MD)No.723 of 2024:-

Anitha R.Sivanandam Nadar : Petitioner/1st Respondent/
1st Respondent/1st Defendant

Vs.

C.Kamaraj Nadar : Deceased Plaintiff

- 1.N.Selvakumar Nadar
- 2.S.Sundarraaj @ Sundar Nadar
- 3.P.Rajasekar Nadar : R1 to R3/Appellants/
Impleading Plaintiffs 2-4
- 4.Tirunelveli Dakshanamara Nadar Sangam,
Rep. by its Secretary,
Door No.70, Sindhupoondurai Salai Street,
Tirunelveli District. : 4th Respondent/
2nd Respondent/2nd Defendant
- 5.The District Registrar of Societies,
(Administration),
Tirunelveli Registration District,
Combined Registration Department Office,
Behind St. John's School,
Sankar Colony, Palayamkotai.
- 6.Joint Director of Collegiate Education,
Office of Joint Director of Collegiate Education,
Near to Rani Anna College, Tirunelveli.



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7. Government of Tamil Nadu,
Rep by its District Collector,
Tirunelveli District.

: R5 to R7/Respondents/
Proposed Defendants

PRAYER:-Civil Revision Petition has been filed under Section 115 of the Code of Civil Procedure, to set aside the fair and decreetal order, dated 07/12/2023 in IA No. 38 of 2023 in IA No.4 of 2023 in OS No.205 of 2022 on the file of the Principal Sub Court, Tirunelveli and pass further or other orders.

For Petitioner	: Mr.E.O.M.Prakash Senior Counsel for Mr.G.Adithya Raj
For R1 to R3	: Mr.D.Venkatesh
For 4 th Respondent	: Mr.S.Meenakshmi Sundaram Senior Counsel Mr.R.T.Arivu Kumar
For R5 to R7	: Mr.A.Sivanu Pandian Government Advocate (Civil)

(14).CRP(MD)No.726 of 2024:-

Anitha R.Sivanandam Nadar : Petitioner/1st Respondent/
1st Defendant

Vs.

C.Kamaraj Nadar (died) : Deceased Plaintiff

1.Selvakumar Nadar
2.S.Sundaraj @ Sundar Nadar
3.P.Rajasekar Nadar : R1 to R3/Appellants/
Impleadings Plaintiffs 2-4

4.Tirunelveli Dakashanamara Nadar Sangam,
Rep. by its Secretary,
Door No.70, Sindhupoondurai
Salai Street,
Tirunelveli District : 4th Respondent/
2nd Respondent/2nd Defendant



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- 5.R.K.Kalidasan Nadar
- 6.T.Rajakumar Nadar
- 7.A.Selvaraj Nadar
- 8.VP Ramanathan Nadar
- 9.SKTB Kamaraj Nadar
- 10.Kamaraj Nadar
- 11.SRS Umarisankar Nadar
- 12.SR Vaidyalingam Nadar
- 13.A.Kalyanasundaram Nadar
- 14.SA.Sivabalan Nadar
- 15.T.Arumuganainar Nadar
- 16.S.Sivasankar Nadar
- 17.SS Chandrasekar Nadar
- 18.S.Selvan Nadar
- 19.S.Nithyabalaiya Nadar
- 20.S.Essakimuthu @ Ashokan Nadar
- 21.K.Ravindran Nadar
- 22.P.Natesan Nadar
- 23.M.Thanithangam
- 24.A.Naynar Nadar
- 25.R.Brahmanand Nadar
- 26.S.Ramasubbu Nadar
- 27.S.Janakar Nadar
- 28.AP Sathishkumar Nadar
- 29.P.Selvaraj Nadar
- 30.R.Thangavelu Nadar
- 31.K.Balraj Nadar
- 32.SK Chellapandi Nadar
- 33.SK Radhakrishnan Nadar
- 34.AB Ramesh Nadar
- 35.B.Manickavasagam Nadar
- 36.P.Ragunathan Nadar
- 37.A.Ashokan Nadar
- 38.P.Ragavan Nadar
- 39.D.Soundarraaj Nadar
- 40.S.Anbulingam Nadar
- 41.P.S.Kaniraj Nadar

: R5 to R41/Respondents/
Proposed Defendant 3-39

PRAYER:-Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 07/12/2023 in IA No. 42 of 2023 in IA No.18 of 2022 in OS No.205 of 2022 on the file of the Principal Sub Court, Tirunelveli and pass further or other orders.



C.R.P.(MD)No.331 to 333, 719 to 731 of 2024

For Petitioner : Mr.E.O.M.Prakash
Senior Counsel
for Mr.G.Adithya Raj

For R1 to R3 : Mr.D.Venkatesh

For 4th Respondent : Mr.S.Meenakshmi Sundaram
Senior Counsel
Mr.R.T.Arivu Kumar

(15).CRP(MD)No.728 of 2024:-

Anitha R.Sivanandam Nadar : Petitioner/1st Respondent/
1st Defendant

Vs.

C.Kamaraj Nadar (died) : Deceased Plaintiff

1.Selvakumar Nadar
2.S.Sundaraj @ Sundar Nadar
3.P.Rajasekar Nadar : R1 to R3/Appellants/
Impleadings Plaintiffs 2-4

4.Tirunelveli Dakashanamara Nadar Sangam,
Rep. by its Secretary,
Door No.70, Sindhupoondurai
Salai Street,
Tirunelveli District : 4th Respondent/
2nd Respondent/2nd Defendant

PRAYER:-Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 07/12/2023 in IA No. 44 of 2023 in IA No.19 of 2023 in OS No.205 of 2022 on the file of the Principal Sub Court, Tirunelveli and pass further or other orders.



C.R.P.(MD)No.331 to 333, 719 to 731 of 2024

For Petitioner : Mr.E.O.M.Prakash
Senior Counsel
for Mr.G.Adithya Raj

For R1 to R3 : Mr.D.Venkatesh

For 4th Respondent : Mr.S.Meenakshmi Sundaram
Senior Counsel
Mr.R.T.Arivu Kumar

16.CRP (MD) No.731 of 2024:-

Anitha R.Sivanandam Nadar : Petitioner/1st Respondent/
1st Defendant

Vs.

C.Kamaraj Nadar (died) : Deceased Plaintiff

1.Selvakumar Nadar
2.S.Sundaraj @ Sundar Nadar
3.P.Rajasekar Nadar : R1 to R3/Appellants/
Impleadings Plaintiffs 2-4

4.Tirunelveli Dakashanamara Nadar Sangam,
Rep. by its Secretary,
Door No.70, Sindhupoondurai
Salai Street,
Tirunelveli District : 4th Respondent/
2nd Respondent/2nd Defendant

PRAYER:-Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 07/12/2023 in IA No. 44 of 2023 in IA No.19 of 2023 in OS No.205 of 2022 on the file of the Principal Sub Court, Tirunelveli and pass further or other orders.



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For Petitioner : Mr.E.O.M.Prakash
Senior Counsel
for Mr.G.Adithya Raj

For R1 to R3 : Mr.D.Venkatesh

For 4th Respondent : Mr.S.Meenakshmi Sundaram
Senior Counsel
Mr.R.T.Arivu Kumar

COMMON ORDER

These civil revision petitions have been filed seeking an order to set aside the fair and decreetal order dated 07/12/2023 passed by the Principal Sub-Court, Tirunelveli, as mentioned in the prayer portion.

2.The facts in brief:-

Suit in OS No.205 of 2022 was filed by the deceased Kamaraj Nadar seeking the relief of declaration that the election held on 04/05/2022 in the special general body meeting is not legal; and for consequential various prayers. Pending the suit, Kamaraj Nadar expired on 20/09/2023 and in his place, his wife namely K.Usha filed applications to add herself as 5th plaintiff. Similarly, some of the members of the Sangam filed applications to add themselves as plaintiffs 2 to 4. All the applications were filed under Order 1 Rule 10(2) CPC and section 151 CPC. By That came to be allowed by the trial court, by order, dated 07/12/2023.



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3. Against which, the 1st defendant is before this court by filing these civil revision petitions.

4. Heard both sides.

5. Since, common question of law and facts arise in all the matters, heard together and this common order is passed.

6. The facts are not disputed. The deceased Kamaraj Nadar is one of the members of the Sangam namely Tirunelveli Dakshanamara Nadar Sangam. He died on 20/09/2023. It is also not in dispute that K.Usha, who is the wife of Kamaraj Nadar is also one of the members. Similarly, the other persons, who are impleaded themselves as parties are also members of the Sangam. It is not in dispute that Kamaraj Nadar challenged the general body election that was held on 04/05/2022.

7. Now a simple point, which arises for consideration is whether the cause of action survives to the surviving party namely K.Usha, the wife of the deceased Kamaraj Nadar.



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8.The learned Senior Counsel appearing for the petitioner would submit that it is a personal right, which Kamaraj Nadar wanted to vindicate; The personal right of Kamaraj Nadar died with him. According to him, doctrine of *actio personalis moritur cum persona* clearly applies to the facts and circumstances of the case; At no stretch of imagination, Smt.K.Usha can be brought on record as the legal heir of the deceased Kamaraj Nadar and if Usha got any independent right, she can very well file a separate suit and certainly, she is not entitled to continue the suit left by her deceased husband. For which, he would rely upon number of judgments. We will refer to the judgments at the later portion of the order.

9.Per contra, the learned Senior Counsel appearing for the Sangam Mr.S.Meenakshi Sundaram would submit that they have no objection to bring on record K.Usha as a party to the litigation, because, she is also one of the members. If Smt.K.Usha to file a separate suit, then it will amount to multiplicity of proceedings.

10.He would further submit that the trial court is not permitted by the parties to take up the trial. At each and every stage block is made. The parties are taking up the matter over on a simple issue upto the



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Hon'ble Supreme Court. Because of the attitude of the parties, namely, the members of the Sangam, the trial could not be taken up. So, according to him, no purpose is going to be served by directing K.Usha to file a separate suit. Being, a member of the Sangam, she is entitled to maintain and continue the suit.

11.To that effect, the learned Senior Counsel appearing for K.Usha would submit that the scope of revision under Article 227 of the Constitution of India is very limited. Unless, this Court finds that the trial Court exceeded its jurisdiction or did not exercise the jurisdiction, which is vested on it or it is completely illegal, no interference is called for. He would also referring to the judgment defining the jurisdiction under Article 227 of the Constitution of India. We will refer it in the later portion of the judgment.

12.Even at the time of hearing the argument, the learned Senior Counsel appearing for the petitioner would submit that the cause of action for the suit dies with the death of the Kamaraj Nadar.

13.I wanted to clarify one thing with him that it is not a personal right of Kamaraj Nadar, but he wanted to



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vindicate a common cause for all the members of the Sangam, who intended to challenge the general body meeting and its election; When that is being so, what sort of valid objection can be raised by them.

14.The learned Senior Counsel appearing for the 1st respondent Smt.K.Usha would submit that the petitions were not filed under Order 22 Rule 5 CPC. Petitions have been carefully filed under Order 1 Rule 10(2)CPC. According to him, independent of the right, that was available to her husband namely Kamaraj Nadar, she has filed a petition to implead herself as plaintiff on her own right as one of the members of the Sangam. So, no valid objection can be made by the revision petitioner herein. It is also brought to the notice of this Court that many of the members of the Sangam have also been brought on record as party defendants. This causes trouble in taking the matter for trial.

15.Now whatever it may be, a short point, which arises for consideration is whether the right of K.Usha to continue the suit can be taken away by driving her to file a separate suit.



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16.The powers of the High Court to interfere into the orders of the Tribunal or the trial court has been stated by the Hon'ble Supreme Court in the judgment reported in ***Shalini Shyam Shetty and another Vs. Rajendra Shankar Patil [(2010) 8 SCC 329]***. Para 66 and 67 requires extraction:-

"66.We may also observe that in some High Courts there is a tendency of entertaining petitions under Article 227 of the Constitution of India by terming them as writ petitions. This is sought to be justified on an erroneous appreciation of the ratio in Surya Dev Rai Vs. Ram Chander Rai [(2003) 6 SCC 675] and in view of the recent amendment to Section 115 of the Civil Procedure Code by the Civil Procedure Code (Amendment) Act, 1999. It is urged that as a result of the amendment, scope of Section 115 CPC has been curtailed. In our view, even if the scope of Section 115 CPC is curtailed that has not resulted in expanding the High Court's power of superintendence. It is too well known to be reiterated



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that in exercising its jurisdiction, High Court must follow the regime of law.

67.As a result of frequent interference by the Hon'ble High Court either under Article 226 or 227 of the Constitution of with pending civil and at times criminal cases, the disposal of cases by the civil and criminal courts gets further impeded and thus causing serious problems in the administration of justice. This Court hopes ad trusts that in exercising its power either under Article 226 or 227, the Hon'ble High Court will follow the time honoured principles discussed above. Those principles have been formulated by this Court for ends of justice and the High Courts as the highest courts of justice within their jurisdiction will adhere to them strictly."



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17. So, whether the revision fits into any of the parameters as set out by the Hon'ble Supreme Court is the point to be answered by this court.

18. The parameters set out in para 49 of the above said judgment would run like thus:-

"49. On an analysis of the aforesaid decisions of this Court, the following principles on the exercise of High Court's jurisdiction under [Article 227](#) of the Constitution may be formulated:

(a) A petition under [Article 226](#) of the Constitution is different from a petition under [Article 227](#). The mode of exercise of power by High Court under these two Articles is also different.

(b) In any event, a petition under [Article 227](#) cannot be called a writ petition. The history of the conferment of writ jurisdiction on High Courts is substantially different from the history of conferment of the power of Superintendence on the High Courts under [Article 227](#) and have been discussed above.



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(c)High Courts cannot, on the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or Courts inferior to it. Nor can it, in exercise of this power, act as a Court of appeal over the orders of Court or tribunal subordinate to it. In cases where an alternative statutory mode of redressal has been provided, that would also operate as a restrain on the exercise of this power by the High Court.

(d)The parameters of interference by High Courts in exercise of its power of superintendence have been repeatedly laid down by this Court. In this regard the High Court must be guided by the principles laid down by the Constitution Bench of this Court in *Waryam Singh* (supra) and the principles in *Waryam Singh* (supra) have been repeatedly followed by subsequent Constitution Benches and various other decisions of this Court.

(e)According to the ratio in *Waryam Singh* (supra), followed in subsequent cases, the High Court in exercise of its jurisdiction of superintendence can interfere in order



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only to keep the tribunals and Courts subordinate to it, 'within the bounds of their authority'.

(f) In order to ensure that law is followed by such tribunals and Courts by exercising jurisdiction which is vested in them and by not declining to exercise the jurisdiction which is vested in them.

(g) Apart from the situations pointed in (e) and (f), High Court can interfere in exercise of its power of superintendence when there has been a patent perversity in the orders of tribunals and Courts subordinate to it or where there has been a gross and manifest failure of justice or the basic principles of natural justice have been flouted.

(h) In exercise of its power of superintendence High Court cannot interfere to correct mere errors of law or fact or just because another view than the one taken by the tribunals or Courts subordinate to it, is a possible view. In other words the jurisdiction has to be very sparingly exercised.



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(i) High Court's power of superintendence under [Article 227](#) cannot be curtailed by any statute. It has been declared a part of the basic structure of the Constitution by the Constitution Bench of this Court in the case of [L. Chandra Kumar vs. Union of India & others](#), reported in (1997) 3 SCC 261 and therefore abridgement by a Constitutional amendment is also very doubtful.

(j) It may be true that a statutory amendment of a rather cognate provision, like [Section 115](#) of the Civil Procedure Code by the [Civil Procedure Code \(Amendment\) Act, 1999](#) does not and cannot cut down the ambit of High Court's power under [Article 227](#). At the same time, it must be remembered that such statutory amendment does not correspondingly expand the High Court's jurisdiction of superintendence under [Article 227](#).

(k) The power is discretionary and has to be exercised on equitable principle. In an appropriate case, the power can be exercised suo motu.

(l) On a proper appreciation of the wide and unfettered power of the High



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Court under [Article 227](#), it transpires that the main object of this Article is to keep strict administrative and judicial control by the High Court on the administration of justice within its territory.

(m) The object of superintendence, both administrative and judicial, is to maintain efficiency, smooth and orderly functioning of the entire machinery of justice in such a way as it does not bring it into any disrepute. The power of interference under this Article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and Courts subordinate to High Court.

(n) This reserve and exceptional power of judicial intervention is not to be exercised just for grant of relief in individual cases but should be directed for promotion of public confidence in the administration of justice in the larger public interest whereas [Article 226](#) is meant for protection of individual grievance. Therefore, the power under [Article 227](#) may be unfettered but its exercise



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is subject to high degree of judicial discipline pointed out above.

(o)An improper and a frequent exercise of this power will be counter-productive and will divest this extraordinary power of its strength and vitality."

19.Now, according to the learned Senior Counsel appearing for K.Usha, these parameters are not satisfied by the petitioner. If this court comes to the conclusion that the trial court exercised the jurisdiction illegally or against the order, then this court can interfere.

20.Now, we will go to the judgment cited by the petitioner in ***Vinayak Purshottam Dube (Deceased), Through Lrs Vs. Jayashree Padamkar Bhat and Others (2024 SCC OnLine SC 212)*** on this aspect. Para 24 is relevant for extraction:-

"24.Salmond also believed that no right can exist without a corresponding duty. Every right or duty involves a bond of legal obligation by which two or more persons are bound together. Thus, there can be no right unless there is someone to whom it is due; there can be no right unless there is



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someone from whom it is claimed; and there can be no wrong unless there is someone who is wronged, that is to say, someone whose right has been violated. This is also called as vinculum juris which means "a bond of the law". It is a tie that legally binds one person to another. [Source: PJ Fitzgerald, Salmond on Jurisprudence, Page No.220 (Universal Law Publishing Co. Pvtl Ltd., 12th Edition, 1966)]."

21.By referring to this para, the learned Senior Counsel appearing for the petitioner would submit that Kamaraj Nadar has stated that he has been wronged and his right has been violated. So, the right to sue died with him.

22.Per contra, the learned Senior Counsel appearing for the Sangam would submit that when Kamaraj Nadar died, the suit cannot be abandoned abruptly, Drawing attention of this court, para 30 of the judgment of the Hon'ble Supreme Court in **Sardar Amarjit Singh Kalra (Died) by Lrs and others Vs. Pramod Gupta (SMT) (DEA) by Lrs. And others [(2003)3 SCC 272]**, which would run thus:



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"30.The question, therefore, as to when a proceeding before the court becomes or is rendered impossible or possible to be proceeded with, after it had partially abated on account of the death of one or the other party on either side has been always considered to depend upon the fact as to whether the decree obtained is a joint decree or a severable one and that in case of a joint and inseverable decree if the appeal abated against one or the other, the same cannot be proceeded with further for or against the remaining parties a well. If otherwise, the decree is a joint and several or separable one, being in substance and reality a combination of many decrees, there can be no impediment for the proceedings being proceeded with among or against those remaining parties other than the deceased. As observed in Nathu Ram case (AIR 1962 SC 89 : (1962)2 SCR 636) itself, the Code does not itself provide for the abatement of



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the appeal against the other respondents even where, as against one such it has abated but it is only the courts which have held that in certain circumstances the appeal also would abate against a co-respondent as a result of abatement against the deceased respondent. The same would be the position of an appeal vis-a-vis the appellants, as in the order cases. Order 22 Rule 4 also considered not to provide for abatement of the appeal(s) against the co-respondents of the deceased respondent and it was specifically observed therein that to say that the appeal against them also abated in certain circumstances is not a correct statement. It was held that the appeals against such other respondents cannot be proceeded against and, therefore, had to be dismissed, in certain circumstances."

23. So, one of the counsel appearing for the respondents namely D.venkatash by relying upon the



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judgment of this court in **Devaki Thiyagarajan Vs. Ahamed and others (O.S.A No.178 of 2014, dated 13/07/2015)**, would draw the attention of this court to para 62 and 63, which would run thus:-

"62.The object of the Order 1 Rule 10(2) C.P.C to implead a third party to the suit is that the dispute in the suit would be resolved in the presence of all, in order to avoid multiplicity of proceedings.

63.Under Order 1 Rule 10 C.P.C, a party would become necessary party or proper party if he is having any interest over the subject matter of adjudication under the suit and the he can be impleaded."

24.Further by relying upon the judgment in **Banwari Lal (Dead) by legal representatives and another Vs. Balbir Singh [(2016)1 SCC 607]**, he would draw the attention of this court in para No.10, which would runs like this;-



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"10.In Sital Prasad Saxena V. Union of India (1985)1 SCC 163, it was observed that the rules of procedure under Order 22 CPC are designed to advance justice and should be so interpreted as not to make them penal statutes for punishing erring parties. On sufficient cause, delay in bring the legal representatives of the deceased party on record should be condoned. Procedure is meant only to facilitate the administration of justice and not to defeat the same. The dismissal of the second appeal by the High Court does not constitute a sound and reasonable exercise of its powers and the impugned order cannot be sustained."

25.Further he would rely upon the order passed by the Coordinate Bench of this Court in P.S.Kaniraj Vs. S.Dhanaraj Nadar (Tr.CMP(MD)No.276 of 2023, dated 13/06/2023, which was filed to transfer OS No.342 of 2021 to the file of the Principal Sub Judge, Tirunelveli, for simultaneous disposal along with OS No.205 of 2022, which is the subject matter now.



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26.Perusal of the judgments cited on either side,
now the point is narrowed down a single point.

27.In this context, now we will see the prayer
portion of the plaint.

28.The prayer sought for by the deceased Kamaraj
Nadar is that the special general body meeting and the
election held on 04/05/2022 is null and void.

29.As mentioned above, I find that it is nothing,
but a common cause, which is available to all the members
to challenge the same, if they so aggrieved.

30.No doubt that no proper application was filed,
either by K.Usha or any other persons under Order 1 Rule
8 CPC seeking permission of this court to represent the
aggrieved persons of the Sangam to continue the suit or
to defend the suit, as the case may be. That will not
affect the right of Usha to continue the suit. When
K.Usha wanted to continue the suit for the benefit of the
aggrieved persons or members of the Sangam, I am of the
considered view that in this case, it is not the personal
cause of K.Usha. So the petitioner's stand is not
correct.



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31.No doubt that Kamaraj Nadar wanted to vindicate his right as one of the members. But his wife namely K.Usha wanted to implead herself as one of the plaintiffs, as the case may be, to continue the suit to see that the matter is to be decided once for all in the presence of all the parties and that too in the interest of the Sangam and its members. I find that for the common cause, K.Usha wanted to explore, it must be permitted to be carried on in its logical conclusion. Absolutely, there is no bar under Order 1 Rule 10(2) CPC to continue the suit by K.Usha. So, The order passed by the trial court does not suffer from any illegality or irregularity or exceeding the jurisdiction vested on it. So, the contention raised by the petitioner that K.Usha has not been continued to prosecute the suit itself is not acceptable.

32.The above discussion made in respect of K.Usha squarely applies to the other proposed parties also namely E.Packyaraj, Selvakumar Nadar, S.Sundarraaj @ Sundar Nadar and P.Rajasekar Nadar.

33.Since those persons filed impleading petitions under Order 1 Rule 10(2) CPC, the discussion made in respect of K.Usha stands as stated above, apply to the



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other proposed parties also against whom challenges are made on this batch.

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34.In the result, these civil revision petitions stand **dismissed**. No costs. Consequently, connected Miscellaneous Petitions are closed.

27/03/2024

Index:Yes/No
Internet:Yes/No
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To,

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1.The Principal Sub Court,
Tirunelveli.

2.The Section Officer,
ER/VR Section,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN, J

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