



C.R.P(MD) No.592 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:10.12.2024

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHIL KUMAR

C.R.P(MD) No.592 of 2021
and C.M.P(MD) No.3237 of 2021

1. The Chairman,
Sambaviga Educational Trust,
Rakinippatti, Sivagangai.

2. The Secretary,
Sambaviga Educational Trust,
Rakinippatti, Sivagangai.

3. The Secretary,
Sambaviga Educational Trust,
Rakinippatti, Sivagangai.

4. A.M.Sekar

5. Rani
... Petitioners/Appellants 1 to 5/Respondents 1 to 5 / Defendants 1 to 5

Vs

1. R.M.Kasi
.... 1st Respondent/1st Respondent/Petitioner/Plaintiff

2. Bharathithasan
.... 2nd Respondent/2nd Respondent/8th Respondent/8th Defendant



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3. Balamurgan

.... 3rd Respondent/6th Appellant/6th Respondent/6th Defendant

4. Malarveni

.... 4th Respondent/7th Appellant/7th Respondent/7th Defendant

PRAYER :- Civil Revision Petition filed under Article 227 of the Constitution of India praying to call for the records pertaining to the fair and decreetal order passed in CMA.No. 4 of 2014, dated 28.11.2019 pending on the file of the Principal District Court, Sivagangai upholding the fair and decreetal order passed in I.A.No. 409 of 2013 in O.S.No. 68 of 2013 dated 11.12.2013 on the file of the Sub Court, Sivagangai and set aside the same.

For Petitioners : Mr.N.Tamil Mani

For Respondents : Mr.A.K.Manickam (R1, 3, 4)

R2 (Died)

ORDER

The present Civil Revision Petition has been filed challenging the order passed in I.A.No. 409 of 2013 in O.S.No. 68 of 2013 dated 11.12.2013 on the file of the Sub Court, Sivagangai.

2. Heard the learned counsel on either side and perused the materials placed before this Court.



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3.The revision petitioners are the defendants and the first respondent is the plaintiff, who filed a suit for mandatory injunction to convene board meeting once in two months as per Clause 20 of the Trust Deed and to render proper accounts for the income and expenditure. For to convene a board meeting as per the trust deed, by way of granting temporary injunction, the I.A.No.409 of 2013 came to be filed by the first respondent.

4.Before the trial Court, on the side of revision petitioners Ex.P.1 to Ex.P.18 and on the side of defendants, Ex.R.1 to Ex.R.5 were marked. The trial court, after evaluating the documents marked on either side and gave a finding in favour of the plaintiff directing to convene a board meeting.

5.Assailing the above order in I.A.No. 409 of 2013, an appeal was filed by the aggrieved defendants, who have filed C.M.A No. 4 of 2014 before the Principal District Court, Sivagangai. The first appellate Court while dismissing the appeal filed by the revision petitioners herein had held that



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“...the trust deed itself requires the meeting of the board of the trust is to be held once in every two months unless and until the board meeting is conducted, the outcome is always a subject matter for any person if they are aggrieved”.

4.The learned counsel for the respondents/plaintiff contends that due to the pendency of this IA No. 409 of 2013 and IA No.41 of 2016, IA No. 30 of 2017, the suit has come to the standstill. If a direction is given to the trial Court to complete the trial within a time span, the suit itself can be disposed of.

5.The learned counsel for the revision petitioners contends that the meeting is being held periodically and the plaintiff is alone not participating in these meetings.

6.It is to be examined as to whether the plaintiff is participating in the meeting and whether the same was communicated by the revision petitioners, which is a disputed fact, that has to be adduced before the trial Court.



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7.In view of the same, the revision petition stands dismissed.

Since the suit is of the year 2013, the trial Court is directed to conclude the trial within a period of one year from the date of receipt of copy of this order. The trial Court is at liberty to conclude the trial by conducting the suit on a day-to-day basis and by expediting the process, the trial Court is expected not to file an application for extension of time.

8.With the above observations, this Civil Revision Petition stands dismissed. The rival contentions raised by the revision petitioners as well as the respondents shall be agitated before the trial Court. No costs. Consequently, connected miscellaneous petition is closed.

10.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM

To
1.The Principal District Judge, Sivagangai



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N.SENTHIL KUMAR, J.

PNM

ORDER
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