



C.R.P.(MD)No.2576 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 19.10.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2576 of 2024

and

C.M.P.(MD)No.14878 of 2024

1.K.L.N.Sourastra College of Engineering Council,
Rep. through its Treasurer,
K.S.D.Shivaprasad.

2.K.S.D.Sivaprasad ... Petitioners / Petitioners / Plaintiffs

Vs.

1.The District Registrar (Societies),
Mahal, Madurai.

2.K.L.N.Sourastra College of Engineering Council,
Rep. through its Secretary,
K.N.K.Ganesh.

3.K.L.N.Sourastra College of Engineering Council,
Rep. through its President,
K.N.K.Karthik.

4.K.N.K.Ganesh

5.K.N.K.Karthik ... Respondents / Respondents / Defendants

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow this civil revision petition setting aside the order dated



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19-08-224 made in I.A.No.1 of 2024 in O.S.No.985 of 2024 on the file of the

III Additional Subordinate Court, Madurai.

For Petitioners : Mr.V.R.Shanmuganathan

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ORDER

Heard the learned counsel for the revision petitioners.

2.The petitioners are the plaintiffs in O.S.No.985 of 2024 on the file of the III Additional Sub Court, Madurai. The petitioners have filed the said suit for declaration and permanent injunction against the president and secretary of the registered society. The treasurer / second petitioner herein has been visited with show cause notice. To restrain the president and secretary from proceeding further, the petitioners filed I.A.No.1 of 2024. Aggrieved by the mere issuance of notice and failure to exercise the jurisdiction, the present civil revision petition has been filed.

3.I am of the view that this issue has to be thrashed out on the file of the trial Court in the first instance.



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4.However, taking into account the special facts and circumstances pleaded by the learned counsel for the revision petitioners, I direct the learned trial Judge to dispose of I.A.No.1 of 2024 on merits and in accordance with law as expeditiously as possible.

5.It is stated that 24.10.2024 is the next hearing date. The matter will not be mechanically adjourned at the request of the respondents. There is merit in the contention of the learned counsel for the revision petitioners that I.A. should not be rendered infructuous by the subsequent developments. The Court below shall bear all these aspects in mind and consider even granting interim protection on 24.10.2024. I make it clear that I have not gone into the merits of the matter. All that I am emphasizing is that I.A. should not be mechanically adjourned from time to time leading to it being rendered infructuous.

6.The civil revision petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

19.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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Issue order copy on 21.10.2024



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G.R.SWAMINATHAN, J.

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To:

The III Additional Subordinate Court,
Madurai.

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