



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2025

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

C.S.No.110 of 2022

and

A.No.6101 of 2023

1.John

2.M.Anbu Daniel

3.J.James Yesupatham

...Plaintiffs

VS

1.Madras Pentecostal Assembly (Tamil)

Represented by its Secretary

No.13 – 14, Thandavarayan Street,

Royapettah, Chennai – 600 034.

(Amended as per order dated 10.01.2023

in Appln.No.5390 of 2022 and condone the
delay to carry out the amendment as per order
dated 13.09.2023 in Appln.No.4783/2023)

2.P.Stanley Vasu

...Respondents

Prayer in C.S.No.110 of 2022: Complaint filed under Section 26 Order VII Rule

1 of C.P.C., and Order IV Rule 1 of the O.S. Rules and Section 92 of C.P.C.,

a) Mandatory order for election of executive committee members of the



1st defendant society through a court appointed administrator and to vest the trust properties of the 1st dependent society in the newly elected executive committee.

b) Direct the defendants 1 and 2 to handover all the records and the properties to the custody of the newly elected executive committee.

c) Direct defendants 1 and 2 to submit the accounts of the society to the newly elected executive committee.

And

d) Pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and render justice.

For Plaintiffs : No appearance

For Defendants : Mr.K.Bijai Sundar
(For D1 and D2)

JUDGMENT

The matter was listed under the caption “For Dismissal” today. Even today, there is no representation on the side of the plaintiffs.

2. It is to be noted that the suit was dismissed for default as early as on 13.02.2023 as there had been no representation on the side of the plaintiffs. An application to restore was filed in A.No.2888 of 2023 and this Court, by

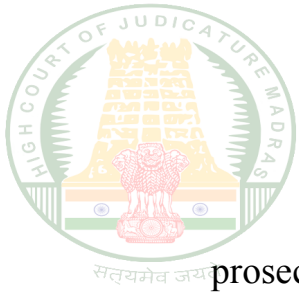


order dated 10.07.2023, restored the suit on payment of costs of a sum of Rs.10,000/- payable to the first respondent Society.

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3. The suit had been filed under Section 92 of C.P.C., and the primary prayers is for a mandatory direction for Election of Executive Committee members of the first respondent Society through a Court appointed Administrator and for other reliefs. It is to be noted that, even as per the plaintiffs' contention, it is to be seen that there are proceedings pending before the District Registrar, Chennai Central, with regard to the functioning of the Society. Even though the plaintiffs, who claim to be the members of the Society are not diligent enough in prosecuting the suit initiated by them. Further, as regards the functioning of the Society, even as per the plaintiffs, there are proceedings before the Registrar of Co-operative Societies, Chennai Central.

4. For the best reasons known to the plaintiffs, they have not been prosecuting the suit in a diligent manner.



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5. In such view of the matter, the suit stands dismissed for non-prosecution. However, there shall be no order as to costs.

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K.KUMARESH BABU, J.

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