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A.No.2392 of 2025 & A.Nos.3165 & 4474 of .



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON 18.08.2025	PRONOUNCED ON 26.08.2025
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CORAM :

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

A.Nos.2392 of 2025
and A.No.3165 & 4474 of 2024
in
C.S.No.87 of 2024

A.No.2392 of 2025

1.Mr.C.Sankaraligam

2.Mr.T.A.Velmurugan

3.Mr.K.Senthil Chinnadurai

... Applicants/Defendants

vs.

Chennaivazh Thiruthangal Hindu Nadar

Uravinmurai Dharma Fund

Regn.No.114/1960

Rep., by its Secretary Mr.D.Subbiah

Having office at

No.113 P.A.N.Rajarathinam Salai,

Old Washermanpet, Chennai – 600 021.

... Respondent/Plaintiff

For Applicant : Mr.T.P.Prabhakaran

For Respondent : Mr.Thanka Sivan

A.Nos.3165 & 4474 of 2024

1.Chennaivazh Thiruthangal Hindu Nadar

Uravinmurai Dharma Fund



A.No.2392 of 2025 & A.Nos.3165 & 4474 of.

Regn.No.114/1960

Rep., by its Secretary Mr.D.Subbiah

Having office at

No.113 P.A.N.Rajarathinam Salai,

Old Washermanpet, Chennai – 600 021. ... Applicant/Plaintiff

2.M.Chellappa

... Applicant/Defendant

vs.

1.Mr.C.Sankaralingam

2.Mr.T.A.Velmurugan

3.Mr.K.Senthil Chinnadurai

... Respondents/Defendants

For Applicant : Mr.Thanka Sivan in both Appln

For Respondent : Mr.T.P.Prabhakaran in both Appln

COMMON ORDER

The application in A.No.2392 of 2025 have been filed to remove the present Managing Committee of the respondent Society and appoint an administrator to manage the affairs of the respondent Society pending disposal of the above mentioned Civil Suit.

2. The application in A.No.3165 of 2024 have been filed to withdraw O.S.No.1868 of 2024 on the file of the XIII Assistant City Civil Court, Chennai and to transfer the same to the file of this Court to be tried along with



Civil Suit No.87 of 2024

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3. The application in A.No.4474 of 2024 have been filed to stay all further proceedings in O.S.No.1868 of 2024 on the file of the XIII Assistant City Civil Court, Chennai pending disposal of the A.No.3165 of 2024.

4. Heard the learned counsels appearing for their respective parties in the respective applications.

In A.Nos.3165 & 4474 of 2024:

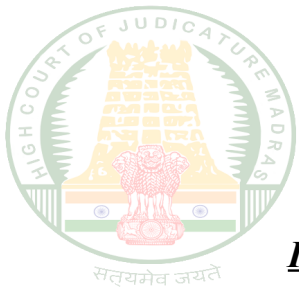
5. Mr.S.Thanka Sivan, learned counsel for the applicant would submit that the respondent herein had also initiated a suit in O.S.No.1868 of 2024 which is pending on the file the Assistant City Civil Court-XIII, wherein they had challenged the interim suspension issued by the applicant and also for a mandatory injunction for a direction to add their name in the membership register. He would submit that the present suit had been instituted against them for their act of defaming the applicant.

6. In spite of the injunction granted by this Court, the respondents



continued to defame the applicant for which he had also taken out an application under Order XXXIX Rule 2(a). Since, the issues in both the suits are interlinked, it would only be proper to withdraw the suit from the file of the City Civil Court and transfer to this Court to be jointly tried along with the present suit. Therefore, he prays this Court to allow the application.

7. Countering his arguments, Mr.T.P.Prabakaran, learned counsel appearing for the respondent would submit that the cause of action for both the suits are different. It is the claim of the applicant that the respondent had defamed the applicant in the instant suit. The cause of action is based on the statements made by the respondents which the plaintiff alleges to be defamatory and derogatory of it. On the other hand, the suit that had been instituted by the respondents before the City Civil Court is challenging the order of suspension and for including their name in the list of members. He would further submit that the respondent has also approached the Registrar of Societies to invoke his power under Section 34 of the Tamil Nadu Societies Registration Act and only to throwout those proceedings, the present transfer application has been filed and therefore, he prays this Court to dismiss the present application.



In A.No.2392 of 2025:-

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8. Mr.T.P.Prabakaran, learned counsel appearing for the applicant would contend that there has been a clear mismanagement of the applicant/ Trust. The applicant/ Trust is running an Educational Institution, medical services and also a marriage hall. None of the buildings, where the institutions are housed are having planning approval and that is endangering the users of such buildings which include school and college students. Further various financial irregularities have also been committed and they have also not filed the income tax returns. Hence, the applicant had also approached the Registrar of Societies to take action against them. In such an event, the present Managing Committee should be dislodged and an Administrator had to be appointed to manage the affairs of the Trust. Hence, he prays this Court to allow the present application as prayed for.

9. Countering his arguments, Mr.Thanka Sivan, learned counsel appearing for the respondent would submit that the present application in the instant suit is not at all maintainable. The cause of action in the present suit is that the defamatory statements are made against the respondent. The applicant



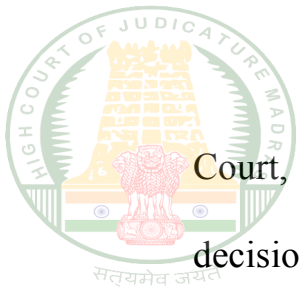
has also not filed any counter claim in the suit or they have not initiated any proceedings under Section 92 CPC, only where such relief could be granted.

He would further submit that the buildings in which the institutions are housed were built more than five decades ago much before the provisions of the Tamil Nadu Town and Country Planning Act. He would further submit that the entire application is itself misconceived and seeks dismissal of the same.

10. I have considered the submissions made by the learned counsels appearing on either side in both the applications and perused the materials placed on record.

In A.No.3165 & 4474 of 2025:-

11. From a perusal of the plaint that had been filed in the O.S.No.1868 of 2024, it could be seen that the said suit had been initiated by the respondents as being aggrieved against the order of suspension passed by the applicant. The cause of action in the present suit is based upon the alleged defamatory statements made by the respondents against the applicant. The cause of action being different and even if the said suit is transferred to this



Court, it cannot be jointly tried but utmost can be tried simultaneously. The decision in the present suit may not have a bearing on the decision in the suit before the City Civil Court.

In A.No.2392 of 2025:-

12. As rightly pointed out by the learned counsel for the respondent, the present suit is for defamation against the applicants. The prayer that is sought for in the present application does not have any bearing on the suit. This suit is an adversarial litigation wherein the applicant seeks to remove the Managing Committee and appoint an Administrator which could only be gone into in a separate suit filed invoking Section 92 of CPC.

13. For the aforesaid reasons, I do not find any merits in these applications. In fine, all the applications are dismissed.

26.08.2025

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Internet : Yes / No
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K.KUMARESH BABU.J.,

Gba

Order in
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in
C.S.No.87 of 2024

26.08.2025