



CRP.No.1174 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Order reserved on : 11.07.2025

Order pronounced on : 28.07.2025

CORAM

THE HON'BLE MR. JUSTICE P.B.BALAJI

CRP.No.1174 of 2025
& CMP.No.7000 of 2025

Coimbatore Gengadiga Okkelegar Mahajana
Dharma Paripalana Sabai,
Rep by its President and Secretary,
Coimbatore,
No.Shunmugam S/o Natarajan
Np.173, Venkataramana Kovil Street,
M.N.G.Street, Coimbatore – 641 001.

..Petitioner

Vs.

1.The District Registrar,
Coimbatore (North),
Coimbatore.

2.The Liquidator,
Sub-Registrar Chit and Society,
Coimbatore.

3.D.Vijayalakshmi

..Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order passed in I.A.No.03 of 2024 in I.A.No.2 of 2024 in O.S.No.313 of 2024 dated 11.11.2024 by the Principal District Munsif, Coimbatore.



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For Petitioner : Mrs.Sudharshana Sundar

For Respondents : Mr.D.Gopal
Government Advocate for RR1 & 2

Mrs.D.Vijayalakshmi (Party in person) for R3

ORDER

The plaintiff, aggrieved by an order passed in an application under Order I Rule 10 of CPC, impleading the proposed respondent/3rd defendant in I.A.No.2 of 2024, is before this Court by way of the present revision.

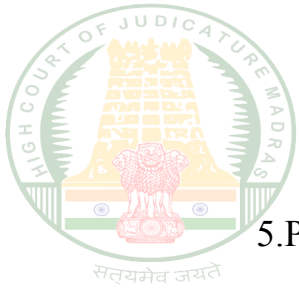
2.I have heard Mrs.Sudharshana Sundar, learned counsel for the petitioner, Mr.D.Gopal, learned Government Advocate for the respondents 1 and 2 and Mrs.D.Vijayalakshmi, the 3rd respondent (party in person).

3.The learned counsel for the petitioner, Mrs.Sudharshana Sundar, would state that the plaintiff is a Sangam which was established in the year 1936 with laudable objects for the upliftment of religious activities, customs of the community by name, Okkaligar, linguistic minority with specific religious and communal based family members alone being part of the Sangam. She would further contend that with passage of time, the registration formalities were not complied and in 2007, the Society was struck off file. She would further state



that the 3rd respondent was not even a member of the Sangam, however, claiming some imaginary rights, acting as a whistle blower, sought appointment of a Liquidator and in view of her intervention, a Liquidator also came to appointed.

4.However, the learned counsel would state that the Liquidator never took charge. In view of the 3rd respondent having filed a writ petition in W.P.No.17447 of 2022 praying for appointment of a Liquidator, this Court only directed the 3rd respondent's representation to be disposed of on merits and in accordance with law and no positive direction was issued by this Court. However, the District Registrar passed an order vide Na.Ka.No.8191/A2/2022 dated 30.01.2024, appointing a Liquidator solely on the ground of non renewal of the registration of the Society. The revision petitioner also filed a suit in O.S.No.313 of 2024, challenging the order passed by the District Registrar in the above proceedings dated 30.01.2024. In the said suit, the 3rd respondent party in person has been impleaded as the 3rd defendant. The District Registrar, Coimbatore, North Administration/1st defendant and the Liquidator appointed for administering the plaintiff Sangam has been arrayed as the 2nd defendant.



5. Pending the said suit, the plaintiff/revision petitioner also took out an application in I.A.No.2 of 2024, seeking for an interim injunction to restrain the District Registrar and the Liquidator, namely the defendants 1 and 2 from interfering with the peaceful administration of the petitioner Society, pending disposal of the suit. In the said application, the 3rd respondent/party in person was not arrayed as a respondent. Therefore, the 3rd respondent took out an application in I.A.No.3 of 2024, seeking to implead herself in the injunction application in I.A.No.2 of 2024, the same came to be allowed by the Trial Court as against which the present revision has been filed.

6. The learned counsel for the revision petitioner would further submit that insofar as the injunction application is concerned, the 3rd respondent has no role to play and it is a matter between the official respondents and the petitioner. She would further contend that even in the suit, the 3rd defendant need not have been impleaded as a party as she was only a whistle blower and had no interest in the petitioner Sangam.

7. Per contra, the 3rd respondent/party in person would contend that it is only because of her persistent complaints that the authorities came to take action against the Sangam and the official respondents are not taking any steps to



defend the suit and in fact they also remained ex-parte in the application and have not even chosen to file a written statement in the suit. She would therefore contend that in order to expose the petitioner, the 3rd respondent would have to be given an audience. She would therefore pray for dismissal of the revision since the Trial Court has passed a well considered order.

8.I have carefully considered the submissions advanced by the learned counsel for the petitioner, the learned counsel for the official respondents and the 3rd respondent/party in person.

9.The suit has been filed for declaration, challenging the order of the District Registrar, appointing a Liquidator and also for the relief of permanent injunction. No doubt, the Liquidator came to be appointed only pursuant to the directions of this Court in W.P.No.17447 of 2022, which was filed by the 3rd respondent herein. The petitioner Society was ordered to be struck off the register only on account of non renewal of registration of the petitioner Society and not on any other ground. The said action of the authorities striking off the petitioner Society from the rolls has been sought to be recalled and a representation has been given. This Court, in W.P.No.39356 of 2024, by order dated 21.12.2024, directed the official respondents to consider the petitioner's



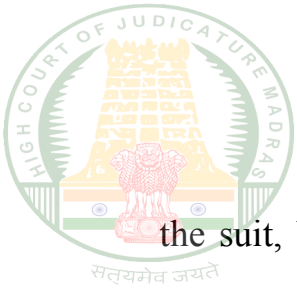
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application for renewal and dispose of the same in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order in the writ petition.

10. Admittedly, no final orders have been passed by the authorities on the application for renewal made by the petitioner. In the meantime, complying with the orders of this Court in the writ petition filed by the 3rd respondent, the District Registrar has appointed a Liquidator, finding that the petitioner Society's registration has not been renewed and the same is under challenge in O.S.No.313 of 2024.

11. The categorical case of the petitioner is that though the Liquidator was appointed, he has not taken charge and it is only the members of the petitioner Society, who are administering the Society, as on date. It is also contended that the petitioner is filing income tax returns right from 2018 without any default and assets of the Sangam are also duly accounted for every year.

12. As regards the suit, though as rightly contended by the 3rd respondent, even though the official respondents have not shown any keen interest to defend



the suit, being impleaded as the 3rd defendant, the 3rd respondent is defending

the suit. Insofar as the interlocutory application, the same has been filed only against the defendants 1 and 2, arraying them as respondents 1 and 2. The prayer in the said application is only to injunct the official respondents from interfering with the running of the Society by the petitioner, pending disposal of the suit. Insofar as the said application is concerned, the 3rd respondent is neither a proper nor a necessary party to decide the question that arises for consideration in the said interlocutory application, for interim injunction.

13. Even though the 3rd respondent may have been the person at whose instance, action was initiated against the petitioner Sangam and even the petitioner Sangam has impleaded her as the 3rd defendant in the said suit, it is totally unnecessary for the Trial Court to implead the 3rd respondent herein as the 3rd respondent in the injunction application. The Trial Court, in an application under Order I Rule 10 of CPC, has to only see whether the presence of the party who seeks impleadment would be necessary for the Court to decide the question that arises for consideration in the said application. If this test was properly applied, the Trial Court would have certainly dismissed the application. However, without doing so, the Trial Court has been carried away by the fact that it was only at the instance of the 3rd respondent that the



Liquidator came to be appointed and therefore, the 3rd respondent is proper and necessary party to the injunction application.

14.Further, the prayer in the interlocutory application is only for interim protection till disposal of the suit. The 3rd respondent, admittedly, has been arrayed as a party defendant in the suit and her apprehensions that the official respondents may collude with the petitioner/plaintiff clearly stand allayed because, her presence as the 3rd defendant would be sufficient to bring to light any such apprehension of collusion between the plaintiff and the official defendants. The presence of the 3rd defendant in the suit which is primarily for declaration cannot be questioned in view of the fact that the plaintiff has voluntarily chosen to implead the 3rd respondent as the 3rd defendant in the said suit. However, it would not automatically give a right to the 3rd respondent to seek audience even in the interlocutory application seeking an interim injunction, which is a matter purely between the petitioner and the official respondents. The Trial Court has therefore clearly erred in allowing the application. Hence, I am inclined to interfere with the order passed by the Trial Court.

15.In fine, the Civil Revision Petition is allowed and the order in I.A.No.03 of 2024 in I.A.No.2 of 2024 in O.S.No.313 of 2024 dated 11.11.2024



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by the Principal District Munsif, Coimbatore, is set aside. There shall be no

order as to costs. Connected Civil Miscellaneous Petition is closed.

28.07.2025

Speaking/Non-speaking order

Index : Yes/No

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To

The Principal District Munsif, Coimbatore.

P.B.BALAJI.J.

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Pre-delivery order made in
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