



A.No.3192 of 2025
in C.S.No.173 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

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in C.S.No.173 of 2023

1. M.Ramalingam
2. R.T.Kannan
3. R.Radhakrishnan
4. S.Alagesan

...Applicants

..Vs..

1. M/s.South Indian Sengunatha Mahajana Sangam,
Represented by its General Secretary,
R.P.Kumaragurubaran,
No.58, Armenian Street, Chennai – 600 001.
2. K.P.K.Selvaraj
President, M/s.South Indian Sengunatha Mahajana Sangam,
No.58, Armenian Street, Chennai – 600 001.
3. R.P.Kumaragurubaran
General Secretary,
M/s.South Indian Sengunatha Mahajana Sangam,
No.58, Armenian Street, Chennai – 600 001.
4. R.Gandhi
Treasur, M/s.South Indian Sengunatha Mahajana Sangam,
No.58, Armenian Street, Chennai – 600 001.



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5. M.E.Jayaraman
6. J.Babu
7. M.Mylappan
8. V.Ramdas
9. R.Dhandapani
- 10.R.Rajendran
- 11.T.P.Saravanan
- 12.A.Annadurai
- 13.Gnanasekaran
- 14.S.Karthikeyan
- 15.N.Adithiya
- 16.P.G.Ramanathan
- 17.Prabhaji

... Respondents

Prayer: This application is filed under Order XIV Rule 8 of the Original Side Rules r/w Order VI Rule 17 of CPC, seeking to amend the plaint by including the paragraphs mentioned pleadings in 4A to 4E, 36A to 36G and 37A, 38 and reliefs in (viii) and (viii a) as mentioned herein, in the plaint in C.S.No.173 of 2023.

For Applicants : Ms.R.Thilagavathy, Senior Counsel for
M/s.D.Kanagasundaram

For Respondents : Mr.T.M.Pappiah for RR1 to 4
Mr.S.P.Chokkalingam for RR5, 9,
11, 13 and 15 – No Appearance
Mr.G.Karthikeyan, Senior Counsel
for M/s.A.Jegadeeswari for R16
R6 – Unserved
R7, R8, R10, R12, R14 and R17
– Served – No Appearance



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ORDER

This application has been filed to amend the plaint by including the paragraphs mentioned in this application in pleadings in 4A to 4E, 36A to 36G and 37A, 38 and reliefs in (vii) and (viii a) in the plaint in C.S.No.173 of 2023.

2 The learned Senior Counsel for the applicants/plaintiffs would submit that the main suit was filed seeking declaration and consequential injunction relief in respect of the affairs of the first defendant Sangam. On account of mismanagement, complaints registered against the office bearers, who were elected in 2020-2023 tenure and various proceedings were initiated by the aggrieved members. The final resolution passed by the defendants 2 to 4 as office bearers in the meeting held on 03.10.2022, resulted in the defendants to continue as office bearers beyond three years tenure and the same warranted filing of the present suit.



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2.1 Pending the suit, subsequent developments have occurred and additional facts have come to light after filing of the plaint, which are relevant and material for a proper and complete adjudication of the issues involved in the suit. Pursuant to the order passed by this Court on 20.06.2024, the retired Judge of this Court namely Hon'ble Mr.Justice.P.N.Prakash, was appointed as an Election Officer to conduct the election of the office bearers of the first defendant Sangam and subsequently election was conducted and the results of the election also declared on 16.03.2025. Already an Original Side Appeal in O.S.A.SR.No.44493 of 2025 has been preferred by the applicants/plaintiffs as against the common order passed by this Court in O.A.Nos.756, 757, 758 of 2023 and A.No.4612 of 2023 in C.S.No.173 of 2023. In the said appeal, an interim application has also been filed to restrain the newly elected body from operating funds and dealing with the assets of the Sangam, pending final disposal of the said appeal.



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2.2

Further O.S.A.No.149 of 2025 filed by the applicants in A.No.6579 of 2024 in C.S.No.173 of 2023 as against the order dated 17.03.2025 was dismissed as withdrawn by an order dated 15.04.2025. The contents of the affidavit filed by the applicants in support of the said Original Side Appeal contain several important factual aspects and background of the first defendant Sangam, which are directly relevant to the subject matter of the present suit and are necessary for complete and effective adjudication, whereupon the present application is being filed seeking amendment of the pleadings to seek the relief of setting aside the election and the result declared on 16.03.2025. In order to avoid multiplicity of proceedings and to place all relevant facts before this Court, it is just and necessary to incorporate the said contents in the plaint by way of amendment. Therefore the plaint has to be amended as mentioned in judges summons.

3

The learned counsel for the 16th respondent /D16 would submit that the applicants cannot maintain this application by attempting to introduce a new cause of action or impleading the Election Officer, who was



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not a part of the original cause of action. Therefore the applicant cannot amend the plaint to include new prayers based on a different cause of action. Introducing such new claims is barred and it will change the nature of the suit. The main suit filed by the plaintiff arose from different cause of action than that now alleged in the application seeking amendment. Further based on the order passed by this Court on 20.06.2024, election was conducted by the Election Officer namely Hon'ble Mr.Justice.P.N.Prakash (Retd.) appointed by this Court. Therefore the prayer in the main suit itself become infructuous. Now the applicants/plaintiffs raised objections in the conduct of election conducted by the Election Officer and the results. In fact this Court had accepted the report filed by the Election Officer, after conduct of the election and also the results. Hence now the plaintiffs cannot challenge the election, which was already confirmed by this Court, except through a separate suit, as it constitutes a new cause of action. Therefore allowing this application seeking amendment of the plaint would amount to reviewing the acceptance of the Election Officer's report by this Court and declaration of results on 16.03.2025. Claims regarding OSA.SR.No.44493 of 2025 and O.S.A.No.149



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of 2025 in A.No.6579 of 2024 in C.S.No.173 of 2023 including interim applications restraining the newly elected body from operating the funds and assets, are irrelevant to the present applications. Therefore this application is liable to be dismissed.

4 Heard the learned counsel appearing on either side and perused the materials on record.

5 The applicants have filed this application to amend the plaint by introducing new pleas and new prayers. Originally the suit has been filed for the following reliefs.

- i. To declare that the resolution No.15 dated 03.10.22 passed in Tirupur 20th State Conference meeting January 2023 as published in Senguntha Mithran Chennai Issue No.1 at page 30 enabling defendant 2 to 4 to continue as office bearer beyond their 3 years tenure is exfacie illegal and null and void and unenforceable in law;
- ii. Consequently grant permanent injunction restraining defendants 2 to 4



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from interfering with the affairs of the first defendant Sangam in any manner

- iii. To appoint Election Officer to conduct a Fresh election to the Office Bearers of the first defendant Sangam by convening AGM to amend the Bye Laws for enumeration of Branch office, district office eligible number of representatives to executive committee of the first defendant Sangam.
- iv. To appoint Adhoc committee amongst the members of the first defendant Sangam to assist and facilitate the function of the Election Officer.
- v. Mandatory Injunction directing the defendants 2 to 4 to handover the management and control including rendering of accounts of the first defendant Sangam to the Adhoc Committee.
- vi. To declare Resolution No.21 dated 03.10.2022 passed in Tirupur 20th State Conference as published in Senguntha Mithran Chennai Issue No.1 January 2023 at page 31 and 32, regarding removal of members is exfacie illegal and null and void.



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- vii. To declare that the appointment of D5 to D17 as organisers of the first defendant Sangam as published in official magazine Senguntha Mithran at Chennai Issue No.4 April 2023 at Pages 36 and 37 is exfacie illegal and violative of Rule of procedure and opposed to bye laws of the first defendant Sangam
- viii. To pay the cost of the suit
- ix. Grant such further or other reliefs in the facts and circumstances of the case.

6 The main relief sought for by the applicants/plaintiffs in the plaint is to declare the Resolution No.15 dated 03.10.2025 passed in Tirupur 20th State Conference meeting as published in Senguntha Mithran Chennai Issue No.1 January 2023 at page 30 enabling defendant 2 to 4 to continue as office bearer beyond their 3 years tenure is exfacie illegal and null and void and unenforceable in law. During the pendency of the suit, this Court vide order dated 20.06.2024 appointed a retired Judge of this Court Hon'ble Mr.Justice.P.N.Prakash, as Election Officer to conduct election for



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the office bearers of the first defendant Sangam. The Election Officer also conducted election and declared the results as early as on 16.03.2025, which was accepted by this Court. Thereafter the applicants/plaintiffs, to challenge the election and the results, have not taken any steps immediately after declaration of the results and now filed this application to amend the plaint, raising objections in the conduct of the election and they wanted to include paragraphs 4A to 4E, 36A to 36G and 37A, 38 and reliefs in (viii) and (viii a) in the plaint. If the applicants/plaintiffs have any grievances in respect of the conduct of elections by the Election Officer appointed by this Court and any violations thereon, those violations have to be objected through separate suit and not in the present suit. The applicants introduced so many new causes of action and new prayers, which are certainly will alter the nature and character of the present suit. Already nine reliefs have been sought for in the suit and now the applicants wanted to include some other reliefs, which will lead to much inconvenience and confusion in disposing of the suit. Furthermore there is no bar for the applicants to file a fresh suit, if they found any deviations in the election process, but without taking steps to file separate suit, the



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applicants want to amend the plaint, which will alter the nature and character of the suit.

7 Further the main grievances of the applicants are in respect of the erstwhile office bearers and now new Office Bearers were elected through fresh election conducted by the Election Officer appointed by this Court and hence one of the the prayers sought for in the suit become infructuous. Moreover, the main contention of the plaintiffs in the suit is in respect of removal of 16 members and unfortunately those 16 members have not approached this Court challenging their removal from membership. The plaintiffs filed the present suit under the capacity of individual members and there is no averments in the plaint that they are filing the suit on behalf of the persons, who were expelled through the alleged resolution and therefore the maintainability of the suit itself is in question. Moreover, the election of District Sangams has not been challenged by the applicants/plaintiffs.

8 As per Order II Rule 3 of CPC, the plaintiff may unite in



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the same suit several causes of action against the same defendant, or the same defendants jointly; and any plaintiff having causes of action in which they are jointly interested against the same defendant or of the same defendants jointly may unite such causes of action in the same suit.

9 Now, it is useful to refer Order II Rule 6 CPC, which reads as follows.

“6. Power of Court to order separate trials – Where it appears to the Court that the joinder of causes of action in one suit may embarrass or delay the trial or is otherwise inconvenient, the Court may order separate trials or make such other order as may be expedient in the interests of justice.”

10 Therefore from perusal of above provisions, it is clear that the Court has power to order separate trial, even for the joint cause of action, where it appears to the Court that the joint cause of action in one suit may embarrass or delay the trial or in the interest of justice.

11 In the case on hand also already the plaintiff prayed



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more than nine prayers in the suit and now by introducing new pleadings and new prayers wanted to amend the plaint increasing prayer from 9 to 12. Therefore it is appropriate for the applicants/plaintiffs to file a separate suit based on the subsequent cause of action as alleged in the present application. If the petition is allowed and the new cause of actions joint in the one suit, certainly it will embarrass and delay the trial in the present suit and also will cause much inconvenience to this Court in disposing of the suit.

12 In view of the above said discussions, this Court is of the opinion that this application lacks merits and the same is hereby dismissed. However the applicants are at liberty to file a fresh suit in accordance with law, if so advised.

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P.DHANABAL, J.

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