



C.R.P.Nos.1946 & 1948 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

C.R.P.Nos.1946 & 1948 of 2025

and

C.M.P.No.11133 of 2025

S.D.Manohar Kumar Lodha

... Petitioner
in both revision petitions

Vs.

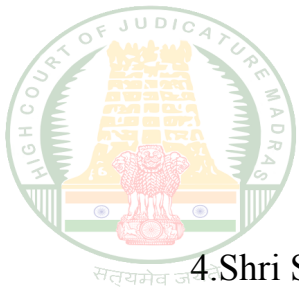
Sri S.S.Jain Educational Society,
Represented by its Secretary General,
No.3, Madley Road,
T.Nagar, Chennai – 17.

... Respondent
in C.R.P.No.1946 of 2025

1.Sri S.S.Jain Educational Society,
Represented by its Secretary General,
No.3, Madley Road,
T.Nagar, Chennai – 17.

2.The President,
Sri S.S.Jain Educational Society,
No.3, Madley Road,
T.Nagar, Chennai – 17.

3.Registrar of Societies,
South Chennai,
Office of the Societies Registration,
No.9, Jennis Road, Saidapet,
Chennai – 600 015.



C.R.P.Nos.1946 & 1948 of 2025

4. Shri Shankarlal Sundarbai Shasun Jain College for Women,

Represented by its Chairman,
No.3, Madley Road, T.Nagar,
(Near T.Nagar Bus Stand),
Chennai – 17.

5. Sri A.M.Jain College,

Represented by its Secretary,
Near Railway Station,
Meenambakkam,
Chennai - 600 114.

6. Mohanmull Chordia Jain Industrial Training Centre,

Represented by its Secretary,
A.M.Jain College Campus Meenambakkam,
Near Railway Station, Meenambakkam,
Chennai – 600 114.

7. Sri A.M.Jain School,

Represented by its Secretary,
No.2, Govindaswamy Street,
(Near A.M.Jain College) Meenambakkam,
Nanganallur, Chennai – 600 114.

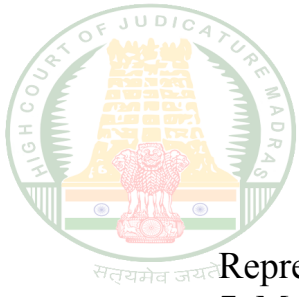
8. A.G.Jain Higher Secondary School,

Represented by its Secretary,
Thulasigam Street, Elephant Gate,
George Town, Chennai – 600 108.

9. Sri Badalchand Sayarchand Chordia,

Jain Vidhyalaya – Matriculation School,
Represented by its Secretary,
No.38, General Muthiah Street,
Sowcarpet, Chennai – 600 108.

10. Sri Mangichand Bhandari Jain Higher Secondary School,



C.R.P.Nos.1946 & 1948 of 2025

Represented by its Secretary,
7, Madley Road, Asoka Nagar,
T.Nagar, Chennai – 600 017.

11.Tarachand Galada Jain Vidyalaya,
Represented by its Secretary,
44, Madley 1st Street, T.Nagar,
T.Nagar, Chennai – 600 017.

... Respondents
in C.R.P.No.1948 of 2025

PRAYER: Civil Revision Petitions in C.R.P.Nos.1946 and 1948 of 2025 filed under Article 227 of the Constitution of India against the fair and decretal order dated 02.04.2024 in I.A.No.3 of 2023 in O.S.No.4494 of 2023 on the file of the XV Assistant City Civil Court, Chennai, and I.A.No.2 of 2023 in O.S.No.1714 of 2023 on the file of the XVI Assistant City Civil Court, Chennai, respectively.

For Petitioner : Mr.P.H.Arvind Pandian
Senior Counsel
for Mr.M.Sunil Kumar
in both petitions

For Respondents : Mr.K.Shakespeare
in both petitions

COMMON ORDER



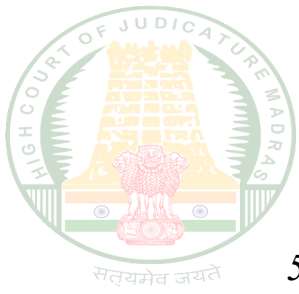
WEB COPY

These two Civil Revision Petitions are filed challenging the orders of the Court below referring the parties to go for arbitration in view of the by-laws which provide for referring the matter for arbitration.

2.Brief background of the case is as follows :

The revision petitioner has filed two suits, one in O.S.Nos.4494 of 2023 on the file of the XV Assistant City Civil Court, Chennai, and another in O.S.No.1714 of 2023 on the file of the XVI Assistant City Civil Court, Chennai. O.S.No.4494 of 2023 is filed challenging the order of suspension passed by the respondent Society against the petitioner, and O.S.No.1714 of 2023 is filed for the following reliefs :

- (a) permanent injunction restraining the 1st defendant from including the hereditary patron members into the executive committee of the society of 1st defendant without the members participating in the election;*
- (b) to declare Clause 7(C) of the bylaws of the 1st defendant Society automatically including the hereditary patron members into the executive committee of the 1st defendant Society as null and void;*
- (c) mandatory injunction directing the 1st defendant to furnish the entire details of the land and building A.M.Jain College being*



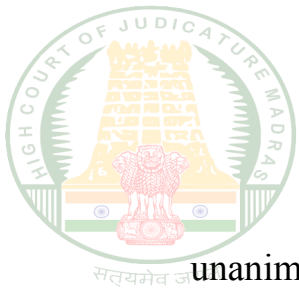
C.R.P.Nos.1946 & 1948 of 2025

WEB COPY

5th defendant, Sri Mohan Mull Chordia Jain Industrial Training Centre being 6th defendant, the property situated at Godown Street and Sault Coutours into the books of account, income tax returns of the 1st defendant Society.

- (d) mandatory injunction directing the 1st defendant to include new life members in the 1st defendant society;*
- (e) mandatory injunction directing the 1st defendant to conduct the executive committee meeting of the 1st defendant society once in every three months;*
- (f) mandatory injunction directing the defendants 4 to 11 to transfer their respective yearly profit or income to the 1st defendant society;*
- (g) permanent injunction restraining 1st defendant from and in any challenging the names of the existing life members, hereditary members, hereditary patron members of the 1st defendant society.*

3.The revision petitioner is a member of the respondent Society. According to the petitioner, there was mismanagement of the assets of the Society by the newly elected office bearers. It is his contention that, to set right the same, the executive committee meeting has not been conducted as per the by-laws of the Society. Further, when mischiefs were pointed out, an Annual General Meeting was conducted on 23.03.2023, wherein, it was



C.R.P.Nos.1946 & 1948 of 2025

unanimously recommended to suspend the petitioner. Challenging the suspension, the suit in O.S.No.4494 of 2023 has been filed. Similarly, the other suit in O.S.No.1714 of 2023 is also filed alleging mismanagement in the society and for the aforesaid reliefs. The pleadings in both the suits is primarily with regard to the meeting conducted by the society and the resolution passed suspending the revision petitioner.

4.Pending the suits, the respondent has filed the present applications under Section 8 of the Arbitration and Conciliation Act, 1996, to refer the matter for arbitration. The trial Court, taking note of the specific clauses in the by-laws governing the society, namely, By-laws 68(a) and 68(b), allowed the applications. Challenging the order allowing the applications, the revision petitions are filed.

5.Learned counsel appearing for the revision petitioner would mainly contend that the suits have been filed with regard to the mismanagement of the assets of the society and that the Civil Court alone has got jurisdiction to go into the issues, whereas, the Arbitrators cannot go into those issues, however, the trial Court has not considered this aspect. Therefore, the



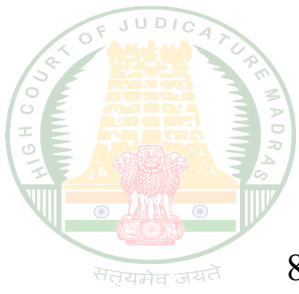
C.R.P.Nos.1946 & 1948 of 2025

WEB COPY

learned counsel prayed for setting aside the impugned order of the trial Court.

6. Whereas, the learned counsel for the respondent would submit that, even though in the interim application stage, revision petitioner took a stand that only arbitration is maintainable, now, a contrary stand has been taken by him. It is his contention that the by-laws governing the society clearly stipulate that any dispute with regard to the decision taken by the committee shall be referred only for arbitration consisting of three members chosen among the members of the society. Therefore, when there is a specific clause provided in the by-laws to refer the disputes for arbitration, a suit is not maintainable. Hence, he opposed the revision petitions.

7. In view of the submissions made by the learned counsel on either side, the point that arises for consideration is whether the order of the trial Court allowing the applications under Section 8 of the Arbitration and Conciliation Act, 1996, is right in law, or the issues have to be adjudicated in a civil suit by the civil Court ?



C.R.P.Nos.1946 & 1948 of 2025

WEB COPY

8. Though the two suits have been filed for different reliefs, the entire allegations in the pleadings in both the suits, when carefully seen, are with regard to the functioning and management of the society by the newly elected members and the very allegation is that the meetings are conducted against the by-laws of the society. Therefore, the main allegation is that the decision taken by the committee is not binding on the plaintiff and hence, the same has to be set aside.

9. It is seen that, in the General Body Meeting conducted by the respondent Society, a resolution has been passed and the Executive Committee has suspended the revision petitioner, which resulted in filing of two suits by the petitioner, one challenging the suspension order and other projected as if there is mismanagement of the society funds, etc. However, the fact remains that the entire allegations in both the suits are revolving around the decision made by the committee.

10. It is relevant to extract the relevant by-laws of the society which read as follows :



C.R.P.Nos.1946 & 1948 of 2025

WEB COPY

“68 (a) Any dispute arising out of any decision of the Committee or in respect of interpretations of the Bye-laws of the Society, shall at the first instance be referred for arbitration to a committee of three persons chosen from among the members of the Society in accordance with the Arbitration Act and its verdict shall be final and binding on all the members.

(b) Any other dispute about the rights of a member or about any matters of procedure pertaining to any meetings including general meetings may also be referred to arbitration as above.”

11.The above clauses make it very clear that any dispute arising out of any decision of the committee or in respect of interpretation of by-laws of the society shall be referred for arbitration to a committee consisting of three persons chosen among the members of the society as per the Arbitration Act. Further, the clauses stipulate that, even any disputes with regard to any decision touching upon the rights of the members or any decision in respect of the procedure pertaining to meetings including general meetings, are also to be referred to arbitration. Therefore, when the parties are governed by the by-laws and when there are specific clauses stipulating referral of the disputes for arbitration by a committee consisting of three



C.R.P.Nos.1946 & 1948 of 2025

WEB COPY

members chosen among the members of the society, merely on the basis of the clever drafting of plaint as if there is a different cause of action, one cannot be allowed to prosecute the suit. Whenever there is a specific clause governing the parties which provide for referral to arbitration, the Court should be slow in entertaining a suit. Therefore, when the very allegations and pleadings in both the suits pertain to the decision of the committee suspending the petitioner and other resolutions passed by the committee, and when there is an alternative remedy available to refer the dispute to the three member arbitration committee constituted from and among the members of the society, this Court is of the view that the trial Court is right in referring the matter to arbitration.

12. In such view of the matter, the respondents are hereby directed to initially give notice to the petitioner to select the three members Arbitrator from the list. Such exercise shall be completed within a period of two months. Thereafter, the three member arbitration panel shall enter into the disputes between the parties and decide the same in accordance with the procedure set out in the Arbitration and Conciliation Act, 1996, as expeditiously as possible.



C.R.P.Nos.1946 & 1948 of 2025

WEB COPY

13. With the above observations, these Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

04.06.2025

mkn

Internet : Yes
Index : Yes / No
Speaking order / Nonspeaking order
Neutral Citation : Yes / No

To

1. The XV Assistant Judge,
City Civil Court,
Chennai.
2. The XVI Assistant Judge,
City Civil Court,
Chennai.

N. SATHISH KUMAR, J.

mkn



WEB COPY



C.R.P.Nos.1946 & 1948 of 2025

C.R.P.Nos.1946 & 1948 of 2025

04.06.2025