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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.1134 of 2025

and

C.M.P(MD)No.6113 of 2025

G.Rathinasamy Nadar

...Petitioner/Petitioner/Plaintiff

Vs

1.M.Sudhakar

(President of Aruppukottai Nadargal Uravinmurai Pothu
Abiviruthi Trust)

(sued in his official capacity as President, representing
the Society in accordance with Clause 18 of the By-laws)

2.M.Sudhakar

3.Sureshkumar

4.Ganesan

....Respondents/Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order dated 21-03-2025, passed in I.A.No.1 of 2025 in O.S.No.31 of 2025 on the file of the learned Principal District Munsif Court, Aruppukottai, in so far as it adjourns the hearing of the said interim application to 21-04-2025 and direct the learned Court to take up and dispose of I.A.No.1 of 2025 on an expedited basis, within such time frame as may be fixed by this Court.



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For Petitioner : Mr.A.K.Sriram
Senior Counsel
for M/s.J.Divya
For Respondents : Mr.A.V.Arun

* * * * *

ORDER

The plaintiff in O.S.No.31 of 2025, on the file of the Principal District Munsif Court, Aruppukottai, has filed the present revision petition challenging ordering of notice in I.A.No.1 of 2025, instead of granting interim orders.

2.A perusal of the records reveal that the suit has been filed for the relief of declaration that the second defendant is disqualified from being a member of the Society and for further declaration that the election conducted on 05.05.2024, is *void ab initio* and other consequential prayers have also been sought for. Along with the suit, the plaintiff has filed I.A.No.1 of 2025, seeking ad interim injunction restraining the second respondent from exercising any powers in his capacity as President pending final adjudication of the suit. The plaintiff has further prayed for interim order for appointment of a Special Officer to assume charge of the Society's Administration, oversee its affairs and to ensure compliance with its by-laws pending final adjudication.



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3. When the interlocutory application came up before the Court, the Court has ordered notice returnable by 21.04.2025. The Court has also issued a summon to the defendants for their appearance by 21.04.2025. The primary grievance expressed on the side of the learned Senior Counsel appearing for the revision petitioner is that interlocutory application should not have been posted along with the suit. A shorter time should have been fixed by the trial Court for taking up the interlocutory application, considering the urgency expressed on the side of the plaintiff.

4. Today, the trial Court has taken up interlocutory application and it has posted the same to 07.07.2025. According to the learned Senior Counsel appearing for the revision petitioner, again, if the trial Court has adjourned the case by another three months and it would cause great prejudice to the plaintiff.

5. Per contra, the learned Counsel appearing for the respondents/defendants has contended that the suit itself is not maintainable. He further contended that ordering notice in interlocutory application is an appealable order and therefore, the present revision petition under Article 227 of the Constitution of India, is not maintainable. He further contended that the



suit having been filed after a delay of 10 months, the plaintiff cannot express any urgency in taking up the interlocutory application.

6.I have considered the submissions made on either side and perused the materials available on record.

7.It is no doubt true that the order of trial Court ordering notice in the interlocutory application, without granting any interim orders is an appealable order. However, considering the fact that the trial Court is posting the interlocutory application along with the dates synchronising with the suit and having adjourned it again for another three months, i.e., on 07.07.2025, this Court is of the considered opinion that a direction could be issued to the trial Court for expeditious of the interlocutory application.

8.Considering the above said facts, the defendants are directed to file their counter **on or before 06.06.2025**. The trial Court is directed to dispose of I.A.No.1 of 2025, **on or before 30.06.2025**, after giving due opportunity to both the parties.



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9. With the above said observations, this Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

21.04.2025

Internet: Yes/No

Index: Yes/No

RJR

Note: Issue order copy on 22.04.2025

To

The learned Principal District Munsif,
Aruppukottai.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

RJR

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