



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2084 of 2025

and

C.M.P.(MD)No.12123 of 2025

1.M.L.M.Kuthubudeen Ibaq

2.Sarmila Barvin

...Petitioners

Vs.

1.The President,
The Melapalayam Muslim Girls Educational Society,
Door No.38, Mohammed Lebbai Street,
Melapalayam, through its President,
Noorjahan

2.M.L.M.Kuthubun Najeeb,
Secretary,
The Melapalayam Muslim Girls Educational Society,
Door No.38, Mohammed Lebbai Street,
Melapalayam,
Tirunelveli District.

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to allow the Civil Revision Petition and set aside the fair and decreetal order dated 30.04.2025 made in I.A.No.3 of 2024 in A.S.No.90 of 2020 on the file of the Principal District Court, Tirunelveli District.



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For Petitioners

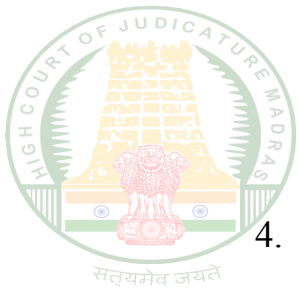
: Mr.M.Mohamed Ibram Saibu,

For M/s.Ajmal Associates

ORDER

This Civil Revision Petition has been filed to set aside the fair and decretal order dated 30.04.2025 made in I.A.No.3 of 2024 in A.S.No.90 of 2020 on the file of the Principal District Court, Tirunelveli District.

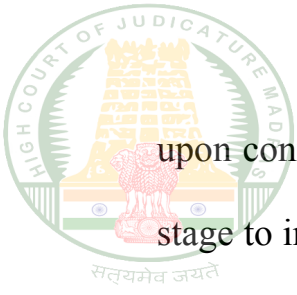
2. The petitioners herein filed a suit in O.S.No.81 of 2016 on the file of the Principal Sub Court, Tirunelveli, seeking relief for framing a scheme for the administration of Melapalayam Muslim Girls Higher Secondary School Management and for the removal of the second respondent from his membership in the Muslim Girls Educational Society, along with costs. However, the trial Court dismissed the suit on 07.09.2020. Aggrieved by the said judgment and decree, the petitioners filed an appeal before the learned Principal District Judge, Tirunelveli in A.S.No.90 of 2020 to set aside the judgment and decree passed in O.S.No.81 of 2016. During the pendency of the appeal, the petitioners filed I.A.No.3 of 2024 under Order VI Rule 17 read with Section 151 CPC seeking to amend the plaint averments in light of subsequent developments. However, the said petition was dismissed on 30.04.2025. Aggrieved by the dismissal, the present Civil Revision Petition has been filed.



4. The learned counsel for the petitioners submitted that the second respondent, who is the Secretary of the school run by Melapalayam Muslim Girls Educational Society, was involved in incidents of sexual harassment against seven girl students and teachers. A complaint was lodged with the Police, and the second respondent was arrested on 04.09.2023. He was later detained under the Goondas Act and was released on conditional bail on 19.09.2023. These events occurred after the appeal was filed, and therefore could not have been pleaded in the original plaint. It was submitted that no new cause of action was introduced and that the amendment sought was just and necessary.

5. Since no adverse orders are going to be passed against the respondents, notice to the respondents is dispensed with.

6. Upon perusal of the records, it is admitted that the suit was dismissed and the appeal is pending. The amendment sought is based on subsequent events. The original cause of action was based on the second respondent holding a remunerative post contrary to Rule 13 of the Societies Act. However, during the appeal, the petitioners seek to introduce a new cause of action based on the second respondent's arrest and detention. Since there is no conviction yet, any disqualification under the Societies Act would apply automatically



upon conviction. Thus, there is no necessity to amend the plaint at the appellate stage to include those facts.

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7. The trial Court rightly appreciated this issue, and its order does not warrant interference.

8. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

30.07.2025

Internet:Yes/No

Index:Yes/No

TSG

To

1.The Principal District Court, Tirunelveli.

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



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M.DHANDAPANI, J.

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