



CRP(MD).No.43 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2025

CORAM

THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI

C.R.P(MD)No.43 of 2025 and
CMP(MD).No.244 of 2025

Nehru Educational Society,
rep. through its Secretary
Seth Danniraj Basinger

: Petitioner

Vs.

1.Nehru Educational Society,
through its President,
Thiru Hendry Vethamoorthy

2.The Registrar,
Registrar of Societies,
Madurai North, Madurai.

: Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order, dated 04.10.2024 passed by the learned II Additional District Munsif Court, Madurai in un-numbered I.A.No.... 2024 in O.S.No.275 of 2024 on the file of the II Additional District Munsif Court, Madurai.

For Petitioner

: M/s. Mathew Moses

ORDER

This Civil Revision Petition has been preferred against the



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return order, dated 04.10.2024 passed by the learned II Additional District Munsif Court, Madurai made in un-numbered I.A.No.... 2024 in O.S.No. 275 of 2024 on the file of the II Additional District Munsif Court, Madurai.

2. The suit in O.S.No.307 of 2021 is filed by the revision petitioners for declaration and permanent injunction. According to the revision petitioner he is a Nehru Educational Society consisting of 4 schools which was founded by his grandmother (Late) Vedavalli Basinger several decades ago in the year 1947. During her life time, the said Vedavalli Basingar executed a Will on 03.11.1995 in which “D” schedule states that the schools should be administered and run by her children. After her children, the schools should be run by her grandson, the petitioner herein and his male heir as correspondent, in her memory. At present, the daughter, of Ms.Vedavalli is dead and one among the two sons has become invalid and the one son Henry Vethamoorthy (Henry Basinger) was running the Nehru Educational Society as a correspondent for more than 25 years. In the year 2020, due to his old age, the correspondent post was handed over to his only son i.e., the petitioner herein, as dictated in the Will mentioned above. Since the petitioner did not toe the line of his father (1st respondent) after becoming the correspondent, 1st respondent



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gave all sorts of trouble including sending hooligans to the school and putting up posters against the petitioner. The petitioner had given several complaints but of no avail. In the meanwhile on the instigation of the petitioner's father, one Sheeba Sasikar who is the daughter of petitioner's father's elder brother, had filed a partition suit in in O.S.No.307 of 2021 on the basis of the Will which was strongly opposed by the petitioner. In fact, it was brought out in the written statement that the petitioner's paternal relatives have no right to inherit the property which sent shock waves to the petitioner's father. The ongoing civil suit among cousins including the partition suit in O.S.No.307 of 2021 have motivated certain relatives including the teachers of the school to cause disruptions and the baseless complaints to discredit the petitioner to seize control of the school. Moreover, the petitioner's father (1st respondent) was involved in a mismanagement of school funds during his tenure for which the Income tax authorities had demanded Rs.82,73,742/- as recovery. Since, the money was not paid, the school accounts were frozen. The petitioner as a Secretary and correspondent of the school passed resolution and asked his father and the petitioner's uncle one Mr.Dhaynithi, his Aunty Ms.Santha Jayakumar to settle the amount. To wriggle out of situation, the petitioner's father instigated the teachers to give all sorts of nefarious complaints



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against the petitioner. In fact, he had converted an ordinary administrative matter into a criminal case to unseat the petitioner from the correspondent post. Since the 1st respondent on the strength of criminal case tried to unseat the petitioner, the petitioner filed an injunction suit with interlocutory application for interim injunction. The trial Court while numbering the suit as O.S.No.275 of 2024 had rejected the interlocutory application. In such circumstances, he has come forward with the present Civil Revision Petition.

3. The learned counsel appearing for the revision petitioner submitted that the said Interlocutory application was filed by the revision petitioner to restrain the first respondent from interfering in the day to day business. However, the said application was returned for compliance. Thereafter, the same was represented complying the compliance. Even after the compliance, the above application was returned. Therefore, he seeks indulgence of this Court for a direction to direct the trial Court to number the said Interlocutory application.

4. Heard the learned counsel appearing for the petitioner and perused



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the materials available on record.

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5. This Court is of the view that at the stage of numbering the application, the trial Court ought not to have conducted a mini trial. Hence, the trial Court is directed to number the said un-numbered Interlocutory Application if it is found in order and dispose the same on its own merits and in accordance with law.

6. With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

09.01.2025

Index : Yes / No

Internet : Yes/ No

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Note: Registry is directed to return the original papers after substituting the xerox copy of the same.

To

The II Additional District Munsif Court,
Madurai



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K. GOVINDARAJAN THILAKAVADI, J.,

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