



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.03.2026

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Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**C.R.P.(PD) No.404 of 2026
and C.M.P.No.2287 of 2026**

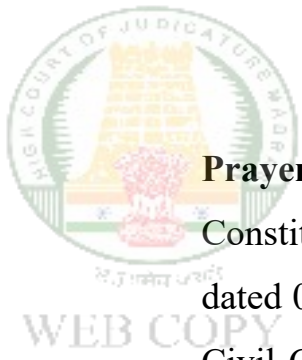
Gandhi Nagar Club
rep. by its Secretary, Mr.R.Sudhakar Rao
No.73, B.R.Athithanar Salai,
Gandhi Nagar, Adyar, Chennai – 600 020.

...Petitioner

Versus

- 1.Mr.K.Jaganathan
- 2.The Disciplinary Committee,
Gandhi Nagar Club Rep. by its
Chairman Mr.R.S.Varadarajan,
No.73, B.R.Athithanaar Salai,
Gandhi Nagar, Adyar,
Chennai – 600 020.
- 3.The Chief Secretary,
Government of Tamil Nadu,
Rajaji Salai, Fort St.George,
Near R.B.I and Port Trust Admin Office,
Chennai – 600 009.
- 4.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.
- 5.The Commissioner of Police,
No.132, E.V.K.Sampath Road,
Vepery, Chennai – 600 007.

...Respondents



Prayer: This Civil Revision Petition has been filed under Article 227 of the Constitution of India praying to set aside the Order in I.A.No.3 of 2025 dated 06.01.2026 in A.S.No.250 of 2025 on the file of XVII Additional City Civil Court, Chennai by staying the operation of the Judgment and Decree passed in O.S.No.2823 of 2018 on the file of XVII Additional City Civil Court, Chennai.

For Petitioner	:	Mr.K.V.Babu
For Respondent – 1	:	Mr.Anil Relwani
For Respondent – 2	:	Service Awaited
For Respondents – 3 to 5	:	Mr.C.Sathish, Government Advocate

ORDER

This Civil Revision Petition has been filed by the Petitioner seeking to set aside the Order dated 06.01.2026 in I.A.No.3 of 2025 in A.S.No.250 of 2025 passed by the learned XVII Additional Judge, City Civil Court, Chennai.

2. The brief facts of the case are as follows:

The Petitioner is a Club providing various facilities like Tennis, Shuttle, Badminton, Swimming, Gym, Bar, Restaurant, Snooker, Billiards, Squash and Cards. The said facilities are being enjoyed by all the members of the Petitioner Club, for which, subscription charges are being raised on a monthly basis. So far as the Cards Room is concerned, subscription charges



are being collected in the form of cash which was made compulsory due to the reason that there are only few members who can play and the charges are being collected on four occasions. The 1st Respondent is a member of the Petitioner Club who has been enjoying the facilities regularly. While so, on 04.03.2018, 1st Respondent and his friends stayed back in the Petitioner Club beyond the closing hours of the club. Pursuant to the said incident, on 05.03.2018, the then Secretary of the Petitioner Club had given a complaint to the Disciplinary Committee of the Petitioner Club regarding the 1st Respondent's misconduct. Therefore, the Disciplinary Committee had conducted a detailed enquiry. In the meantime, 1st Respondent had filed an original suit in O.S.No.2823 of 2018 before the XVII Assistant City Civil Court, Chennai for the following reliefs:

- (i) For permanent injunction restraining the Petitioner Club from allowing the members from playing the gambling game of Rummy (13 or 21 Cards);
- (ii) For declaration declaring that the members playing game of Bridge should be allowed to play the game only at the designated Cards Room and not at the alternate place provided next to the Library;
- (iii) For Permanent Injunction restraining Mr.R.S.Varadharajan from acting as the Disciplinary Committee Chairman; and
- (iv) For costs of the suit.



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3. Subsequent to the filing of suit, the Petitioner Club had sent a Letter dated 25.09.2018 to the 1st Respondent, stating that he is suspended from the Petitioner Club for a period of 3 years.

4. The Petitioner Club had filed its Written Statement in O.S.No.2823 of 2018 denying all the averments made by the 1st Respondent in the Plaint.

5. Before the Trial Court, on the side of Plaintiff, 1st Respondent examined himself as P.W.1 and 5 documents were marked as Exs.A1 to A5. On the side of Defendants, no one was examined as witness and no document was marked as exhibits.

6. On appreciation of the oral and documentary evidence, the learned XVII Assistant Judge, City Civil Court vide Judgment and Decree dated 02.09.2025, partly decreed the suit in O.S.No.2823 of 2018. The operative portion of the said judgment reads as follows:

“In the result, this suit is partly decreed as follows:

(i) Permanent injunction is hereby granted restraining the 1st Defendant from allowing the members from playing the gambling game of Rummy (13 or 21 cards) within the premises of the Club.



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(ii) Declaration is granted declaring that the members playing game of Bridge should be allowed to play the game only at the designated Cards Room and not at the alternate place provided next to the Library.

(iii) Permanent injunction restraining the 2nd Defendant from acting as the Disciplinary Committee Chairman is hereby dismissed.

(iv) Parties shall bear their own costs.”

7. Challenging the above Judgment and Decree of the Trial Court, the Petitioner Club had filed an Appeal Suit in A.S.No.250 of 2025 before the Principal City Civil Court, Chennai. While the said Appeal Suit is pending, the Petitioner Club had filed an Interlocutory Application in I.A.No.3 of 2025 in A.S.No.250 of 2025 praying to stay all further proceedings pursuant to the Judgment and Decree dated 02.09.2025 in O.S.No.2823 of 2018, pending disposal of the Appeal Suit, but, the said application was dismissed on 06.01.2026. Aggrieved by the same, the Petitioner Club has filed the present Civil Revision Petition before this Court.

8. The learned counsel for Petitioner submitted that after the filing of suit, the dispute between the Petitioner Club and 1st Respondent had been resolved. The Petitioner Club and 1st Respondent had entered into a Memo of Compromise dated 12.07.2018. Under the said Memo of Compromise, the Petitioner Club had undertaken to withdraw all charges against the 1st



Respondent and 1st Respondent had stated that he is not pressing the suit in O.S.No.2823 of 2018 on the file of XVII Assistant City Civil Court, Chennai.

8.1. The learned counsel for Petitioner drew the attention of this Court to the Disciplinary Proceedings dated 14.07.2018 issued by the Chairman of the Disciplinary Committee, wherein, it has been stated as under:

“At the time of commencement of enquiry, the respondent Mr.K.Jagannathan, J104 states as follows:

- 1. At the outset, I regret that for the incident that had happened on 4-3-18 and also, other ensuing issues.*
- 2. I hereby withdraw all the cases filed in the City Civil Court filed by me against both the Club and the Disciplinary Committee and I am accepting the statement made in my reply dated 13-3-18.”*

8.2. It is also submitted by the learned counsel for Petitioner that the Petitioner Club had suspended the 1st Respondent from the club, for a period of 3 years, pursuant to which, 1st Respondent vide Letter dated 13.01.2019, requested the President/Secretary of the Petitioner Club to revoke his suspension. Acceding to the request of 1st Respondent, the Petitioner Club had revoked the suspension of 1st Respondent.



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8.3. The learned counsel for Petitioner submitted that believing the undertaking given by the 1st Respondent that he would withdraw the suit in O.S.No.2823 of 2018, the Petitioner Club was under the impression that the suit would have been withdrawn by the 1st Respondent and thus, the Petitioner Club did not participate in the suit proceedings. However, the 1st Respondent did not withdraw the suit, instead of which, he contested the suit. On 02.09.2025, when the suit was taken up for consideration, the 1st Respondent was present, but, the Petitioner Club and Respondents 2 to 5 were absent. Hence, the Petitioner Club and Respondents 2 to 5 were set *ex parte* by the Trial Court and the suit was partly decreed by the Trial Court. Challenging the *ex parte* decree passed by the Trial Court, the Petitioner Club had filed an Appeal Suit.

8.4. It is submitted by the learned counsel for Petitioner that if the aforesaid *ex parte* decree is executed by the 1st Respondent, the Petitioner Club would be put to great hardship. Therefore, the Petitioner Club had filed I.A.No.3 of 2025 in A.S.No.250 of 2025 praying to stay all further proceedings pursuant to the Judgment and Decree dated 02.09.2025 in O.S.No.2823 of 2018 passed by the learned XVII Assistant Judge, City Civil



Court, Chennai. There was no gambling took place at the premises of the Petitioner Club and 1st Respondent being the member of the Petitioner Club knew very well about the Petitioner Club. However, without considering the same, the learned 1st Appellate Judge had dismissed I.A.No.3 of 2025 filed by the Petitioner Club.

9. *Per Contra*, the learned counsel appeared on behalf of 1st Respondent submitted that the 1st Respondent had sent an e-mail dated 01.03.2019 to the Petitioner Club stating that he had withdrawn the two civil suits which were filed by him against the Petitioner Club & its Disciplinary Committee, before this Court. In support of his submission, the learned counsel has produced a copy of the e-mail dated 01.03.2019 sent by the 1st Respondent.

9.1. It is further submitted by the learned counsel for 1st Respondent that the 1st Respondent never agreed to withdraw the suit in O.S.No.2823 of 2018 which he filed before the XVII Assistant City Civil Court, Chennai. The alleged Memo of Compromise dated 12.07.2018 is also with regard to the compromise arrived at between the Petitioner Club and 1st Respondent pertaining to the civil suits which were pending before this Court. Therefore,

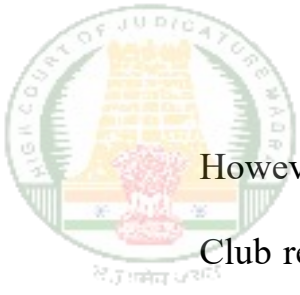


the 1st Respondent had contested the suit in O.S.No.2823 of 2018. Though the Petitioner Club and Respondents 2 to 5 were very well aware that the 1st Respondent was contesting the suit, they wilfully remained absent. Hence, they were set *ex parte* by the Trial Court.

9.2. The learned counsel for 1st Respondent also submitted that playing rummy for stakes is considered as gambling and is an offence under Section 45 & 46 of the Chennai City Police Act, 1888. The Police Officials repeatedly visited the Petitioner Club since gambling took place at the Petitioner Club.

10. Heard the learned counsel for Petitioner and the learned counsel for 1st Respondent.

11. According to the Petitioner, subsequent to the filing of suit in O.S.No.2823 of 2018, 1st Respondent and Petitioner Club had entered into a Memo of Compromise dated 12.07.2018, pursuant to which, 1st Respondent had agreed to withdraw the suit in O.S.No.2823 of 2018. Therefore, the Petitioner Club did not participate in the suit proceedings under the impression that the suit would have been withdrawn by the 1st Respondent.



However, the 1st Respondent had contested the suit. Since the Petitioner Club remained absent, the Petitioner Club was set *ex parte* and the suit was partly decreed by the Trial Court. Challenging the said *ex parte* decree, the Petitioner Club had filed an Appeal Suit in A.S.No.250 of 2025 before the 1st Appellate Court, pending the same, the Petitioner Club had filed I.A.No.3 of 2025 in A.S.No.250 of 2025 seeking to stay all further proceedings pursuant to the Judgment and Decree dated 02.09.2025 in O.S.No.2823 of 2018, pending disposal of the Appeal Suit. However, the said application was dismissed. Hence, the Petitioner Club has filed this Civil Revision Petition.

12. From a perusal of the Disciplinary Proceedings dated 14.07.2018 issued by the Chairman of the Disciplinary Committee, it is evident that at the time of commencement of enquiry, 1st Respondent had stated that he regret for the incident that had happened on 04.03.2018 and he would withdraw the cases which he filed before the City Civil Court, Chennai against the Petitioner Club and its Disciplinary Committee. Therefore, it is crystal clear that the 1st Respondent had agreed to withdraw the suit in O.S.No.2823 of 2018 on the file of XVII Assistant City Civil Court, Chennai.



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13. Considering the facts and circumstances of the case and appreciating the materials available on record, I am of the opinion that since the Trial Court had passed an *ex parte* decree in the suit in O.S.No.2823 of 2018, it would be just and appropriate to afford a reasonable opportunity to the Petitioner Club to put forth their case before the 1st Appellate Court. Therefore, this Court is inclined to set aside the impugned order and allow this Civil Revision Petition.

14. Accordingly, Order dated 06.01.2026 in I.A.No.3 of 2025 in A.S.No.250 of 2025 passed by the learned XVII Additional Judge, City Civil Court, Chennai is set aside and this Civil Revision Petition is allowed. As a sequel, I.A.No.3 of 2025 in A.S.No.250 of 2025 is allowed and operation of the Judgment and Decree dated 02.09.2025 in O.S.No.2823 of 2018 passed by the learned XVII Assistant Judge, City Civil Court, Chennai is ordered to be stayed, till the disposal of A.S.No.250 of 2025. No costs. Consequently, connected Miscellaneous Petition is closed.

10.03.2026

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Index: Yes/No

Speaking Order (or) Non-Speaking Order



To
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- 1.XVII Additional City Civil Court,
Chennai.
- 2.The Chief Secretary,
Government of Tamil Nadu,
Rajaji Salai, Fort St.George,
Near R.B.I and Port Trust Admin Office,
Chennai – 600 009.
- 3.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.
- 4.The Commissioner of Police,
No.132, E.V.K.Sampath Road,
Vepery, Chennai – 600 007.



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T.V.THAMILSELVI, J.

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