



WEB COPY

A No. 4914 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 20-01-2026**

CORAM

**THE HON'BLE MR.JUSTICE P. DHANABAL**

**A No. 4914 of 2025  
in C.S. No.218 of 2019**

The Karur Vysya Bank Ltd, Mylapore Branch  
Rep by its Chief Manager, No.84 Kutcherri Road,  
Mylapore, Chennai 600 004

..Applicant(s)

Vs

1. Thamizhnadu Brahmin Association  
(Thambrass)  
Established on 16/11/1980  
Rep by Mr. N. Narayanan, State President and  
Mr. P. Balasubramanian State Treasurer, Flat  
No.6, 1st Floor, Vishwakamal, Old no.245,  
R.K. Mutt Road, Mylapore, Chennai 4
2. Thambraas Magazine  
Represented By Its Authorised  
Signatory Mr. N. Narayanan and Mr. P.  
Balasubramanian, Flat No.6, 1st Floor,  
Vishwakamal, Old no.245, R.K. Mutt Road,  
mylapore, Chennai 4
3. Thambraas Muthurtham. Com Rep By Its  
Authorised Signatory



Mr. N. Narayanan and Mr. P. Balasubramanian,  
Flat No.6, 1st Floor, Vishwakamal, Old no.245,  
R.K. Mutt Road, mylapore, Chennai 4

4. Thambraas Literary Promotion Trust Rep By Its  
Authorised Signatory

Mr. N. Narayanan and Mr.P. Balasubramanian,  
Flat No.6, 1st Floor, Vishwakamal, Old no.245,  
R.K. Mutt Road, mylapore, Chennai 4

5. Tambras Foundation

Rep By Its Authorised Signatory

Mr. N. Narayanan and Mr. P. Balasubramanian  
Flat No.6, 1st Floor, Vishwakamal, Old no.245,  
R.K. Mutt Road, mylapore, Chennai 4

..Respondent(s)

PRAYER: This application has been filed under Order XIV Rule 8 of the Original Side Rules read with Order VII Rule 11(a) of the Code of Civil Procedure praying to Reject the Plaintiff.

For Applicant(s): M/s.P. Raghunathan for T.S.Gopalan And Co

For Respondent(s): Mr. V. Ravi

**ORDER**

This application has been filed by the applicant / defendant to reject the Plaintiff.



2. According to the applicant, he is the defendant in the Suit and the respondents / Plaintiffs have filed the Suit for the following reliefs:

a) Declaration that the letter dated 23.01.2019 issued by the defendant is not binding on the Plaintiffs.

b) Damages of Rs.1,00,00,000/- for the loss of reputation and defamation.

c) for a direction to direct the defendant Bank to permit the Plaintiffs to close their accounts and to have their accounts with the defendant transferred to some other bank.

d) cost of the Suit and

e) for other reliefs, if any.

The Suit was instituted on the basis that though SEBI directed the freezing of all accounts of Mr.Narayanan, the Plaintiffs' account could not have been frozen, that the Plaintiff was an entity distinct and different from Mr. Narayanan and therefore, freezing of his account was illegal and therefore, the defendant bank was liable to compensate the Plaintiffs by way of damages. The 1<sup>st</sup> respondent is an unregistered association and respondents 2 to 5 are the Units of the 1<sup>st</sup> respondent. While so, the Suit has been instituted by the State President and State Treasurer of the 1<sup>st</sup> respondent, unregistered Association and they also represent the remaining respondents as authorized signatories. The said Suit has been instituted in a representative capacity without following the procedure laid down under Order I Rule 8 of the Code of Civil Procedure. The Plaintiff who was examined as PW1, in his cross examination, dated



16.04.2024, admitted that there are 3000 Members in the respondents' unregistered Association, but no resolution passed by the Members of the said unregistered Association authorising the Plaintiffs to represent on behalf of the Association. The Suit does not disclose any material facts giving rise to a cause of action and therefore, the Suit, filed by the Plaintiffs, is liable to be rejected.

3. The respondents / Plaintiffs filed a counter stating that the 1<sup>st</sup> respondent is an Association and the respondents denied all the allegations levelled in the application. After filing of the Written Statement, issues were framed including on limitation aspect, evidence was led and the Plaintiff was cross examined, this application has been filed by the applicant / defendant to reject the Plaint on the ground that there is no cause of action for the Suit. Even in the Written statement, the applicant / defendant had not stated about the opening of accounts for the alleged unregistered association. The bank cannot recognize the respondents / Plaintiffs for opening the bank accounts and act against them when claim is made. The present application for rejection of plaint is not maintainable. There are grounds to attract provisions of Order VII Rule 11 of Code of Civil Procedure and therefore, the application is liable to be rejected.

4. Heard both sides and perused the entire materials available on record.



5. In this case, the respondents / Plaintiffs have filed the Suit against the applicant / defendant bank for the reliefs of a) Declaration that the letter dated 23.01.2019 issued by the defendant is not binding on the Plaintiffs; b) Damages of Rs.1,00,00,000/- for the loss of reputation and defamation; c) for a direction to direct the defendant Bank to permit the Plaintiffs to close their accounts and to have their accounts with the defendant transferred to some other bank; d) cost of the Suit; and e) for other reliefs, if any. Already the applicant / defendant filed Written statement and thereafter, issues were framed and witnesses were examined on the side of the Plaintiffs. At this stage, after completion of cross examination of PW1, the defendant has filed this application on the ground that there is no cause of action for the Suit and the Plaintiffs' Association is not a registered Association and thereby, the Suit is not maintainable. As far as cause of action is concerned, on a careful perusal of the Complaint, it is seen that Plaintiffs have categorically pleaded about the cause of action and whether the cause of action is true or not has to be decided through trial and there are no grounds to reject the Complaint. As far as non-registration of Society is concerned, it can be tested through trial and after commencement of trial, it is not appropriate to consider the same at this stage.

6. It is an admitted fact that already written statement has been filed and after framing of issues, the case has been posted for trial and already the Plaintiffs' side witnesses were also examined. Now the defendant, after cross



examination of Plaintiff side witnesses, has filed this application, without any valid grounds to reject the Plaint. Though at any stage the Plaint can be rejected, there should be some materials to attract any one of the conditions of Order VII Rule 11 of Code of Civil Procedure. In this case, there are no grounds to attract the provisions under Order VII Rule 11 of Code of Civil Procedure. Therefore, this application has no merits and deserves to be dismissed.

7. Accordingly, this application is *dismissed*.

**20-01-2026**

MJS



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**P.DHANABAL, J.**

**MJS**

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