

**IN THE COURT OF THE MUNSIFF, HARIPAD.  
Present: Smt. Maneesha K Bhadran, Munsiff  
Thursday, 10<sup>th</sup> April, 2025/ 20<sup>th</sup> Chaithram 1947  
IA No. 01/2025 in OS 18/2025**

**Filed on 16.01.2025**

**Petitioner/ Plaintiff**

Ayyappan, aged 58 years,  
S/o Janardhanan Pillai,  
Puthenparambil House,  
Muthukulam South, Muthukulam Village

**(By Adv. Sankaran Nampoothiri  
and Adv. Narayanan Moothathu.P)**

**Respondent/ Defendant**

1. Vazhappally Munnila Kizhakku Nair Service Society (NSS) Karayogom No.177, Muthukulam South, Muthukulam Village, represented by its Secretary Mr. Mohanan Pillai, Mithun Vihar, Muthukulam Village, Karthikappally Taluk, Alappuzha District.
2. President, Vazhappally Munnila Kizhakku NSS Karayogom No. 177, Muthukulam South, Muthukulam Village, Karthikappally Taluk, Alappuzha District.
3. NSS karthikappally Taluk Union, Taluk Union Office, Madhava Junction, Haripad, Haripad Village4. Registrar of Karayogams, Registrar office, Changanassery, Kottayam District.

**( D1,D2,D4 By Adv. B. Rajasekhar and  
Adv. Renjini R. Pillai  
D3 Exparte )**

This Petition having been Finally heard on 19.03.2025 and the court on 10.04.2025 day passed the following:-

**ORDER**

Petition for temporary injunction.

2. Petition averments in brief are as follows:- Plaintiff is a member of first defendant Karayogam governed by its bye-law. The organizational structure of NSS is with Karayogam at bottom level, Taluk Union at the intermediate level and Central Head Office at the top level. The secretaries of each tier of the organization is entitled to represent it. Election to the Executive committee of first defendant, NSS electoral roll member and representatives to NSS Karthikapally Taluk Union took place simultaneously in the Karayogam on 24.11.2024. Two panels contested the election. The panel headed by Mr. Chandrasekharan Pillai won the election and he was elected as the President of Karayogam. On 11.11.2024, plaintiff and his friends gave a petition to NSS General Secretary against Chandrasekharan Pillai who was then holding the post of Karayogam executive committee Presidentship, NSS Taluk Union committee Presidentship and representative of Karayogams from Muthukulam region, simultaneously, from being elected again as President of NSS Taluk Union, and also against his corruption, nepotism, embezzlement of cash etc. The petition is still pending consideration. The said Chandrasekharan Pillai is now trying to settle his scores against plaintiff, by abusing his position, to remove plaintiff from the primary membership of first defendant, raising false and baseless allegations.

Hence the above petition for restraining respondents from removing or expelling petitioner from his primary membership against the provisions of bye-law. raising false allegation.

3. First and second respondents filed objection raising the following terms: It is admitted that plaintiff is a member of first defendant Karayogam and election to the executive committee of first defendant Karayogam, NSS Electoral members and representatives to NSS Karthikapally Union took place on 24.11.2024. The panel headed by second defendant Chandrasekhara Pillai won by a whopping majority and the office bearers of first defendant were selected. Respondents are not aware of the petition filed by plaintiff and others to NSS General Secretary on 11.11.2024 against Chandrasekhara Pillai. Plaintiff is raising false allegations of corruption and nepotism against second defendant. Plaintiff has obstructed the General Body meeting of first defendant held on 20.10.2024 and damaged the loud speaker, attempted to assault the election officer and raised objectionable slogans in front of the photo of Mannath Acharyan committing unpardonable acts against the members and community. Pursuant to the conduct of plaintiff, it was decided to initiate action against him. Further plaintiff has published notice with objectionable contents against the community and the office bearers of first

defendant. Action was duly initiated against the plaintiff for his inexcusable conduct and show cause notice dated 09.12.2024 is issued to plaintiff as per the committee decision. On 16.12.2024, plaintiff caused reply to the said notice. Plaintiff is entitled to approach fourth defendant for appeal against the acts of first defendant. On 25.01.2025, plaintiff is duly removed from his primary membership of first defendant by the General Body as per clause 11(2), 11(2)(d), 11(1)(G), 11(1)(a). Documents are forwarded to fourth defendant as per 11(2)(d) of the bye-law. The above suit is infructuous and petition is liable to be dismissed.

4. Fourth respondent filed memo adopting the contentions in the objection of first and second respondents. Third respondent failed to appear in response to notice and was set exparte.

5. The following points arise for consideration.

1) Whether petitioner has made out a prima facie case in support of the claim for interim injunction?

2) In whose favour the balance of convenience exist?

3) Whether the petitioner will be put to irreparable loss and injury if an order of injunction is not passed?

4) Whether the petitioner is entitled to get interim injunction as prayed for?

5) Reliefs and cost?

6. Heard the learned counsel for both sides. Perused records.

7. From the side of plaintiff Ext.A1- A7 is marked. On the side of defendants Ext. B1-B10 are marked.

8. Point 1 to 4:- Suit is for permanent prohibitory injunction restraining defendants from taking decisions removing plaintiff from the primary membership of first defendant Karayogam against the provisions of bye-law raising false allegations. The contention of plaintiff is that the newly elected President of first defendant Karayogam is attempting to remove him from primary membership of first defendant as plaintiff had campaign against him and filed petition to NSS General Secretary against his corruption, nepotism and misdeeds. Respondents on the other hand contend that plaintiff had committed misdeeds and acted against the interest of first defendant and was duly removed from his primary membership by the General Body on 25.01.2025.

9. Ext.A1 and A2 are the voters list and bye-law respectively of

1st defendant. Ext A3 is the copy of complaint given by plaintiff to NSS General Secretary. Ext. A4 is the copy of complaint given to fourth defendant and Ext. A5 is its postal receipt. Ext.A6 is the subscription receipt of plaintiff issued by first defendant. Ext. A7 is the receipt of donation to Janma Nakshathra Fund. Ext.B1 and B2 are postal receipts dated 09.12.2024 and 17.01.2025 respectively. Ext.B3 is the copy of the Minutes of the committee meeting dated 01.12.2024 Ext.B4 and B5 are the copy of show cause notice dated 09.12.2024 issued to plaintiff by first defendant and its reply respectively. Ext.B6 is the copy of the Minutes of the committee meeting dated 11.01.2025. Ext.B7 is the notice to plaintiff dated 17.01.2025 intimating him as to the General Body Meeting scheduled on 25.01.2025 for removing him from his primary membership. Ext.B8 is the minutes of General Body Meeting of first defendant dated 25.01.2025. Ext.B9 is the list of members who participated in the said General Body Meeting. Ext.B10 is the notice published by plaintiff.

10. It is not in dispute that plaintiff was a member of first defendant. Clause 11(1) of Ext.A2 bye-law provides that a member can be removed from the membership of first defendant subject to the compliance of Clause 11(2). Clause 11(1)(a), (g) provides that a

member who willfully fails to comply the decisions of the Karayogam or obstructs the smooth conduct of the meeting can be removed from his primary membership. As per Clause 11(g), the obstruction to the smooth conduct of the meeting should be to the satisfaction of the General Body. As per Clause 11(2)(a) of Ext.A2, a written show cause notice should be issued to the member specifying the details of allegation and seeking his reply. Clause 11(2)(b) provides that the committee should deliberate upon the matter even if a reply is not received and arrive at a decision and then place it for trial before the General Body. As per Clause 11(2)(c), prior notice of atleast three days shall be given to the member before the General Body as to the trial. As per Clause 11(2)(d), if the General Body decides to remove the member, the proceedings should be reported to the Karayogam Registrar. If the Karayogam Registrar upholds the proceedings, then permission will be given to remove the member from primary membership and the member shall be removed from the Karayogam from the date of General Body.

11. The static case of respondents is that plaintiff had acted against the interest of the Karayogam and has obstructed the smooth conduct of the meeting held on 20.10.2024. It is further contended that plaintiff had damaged the loud speaker, attempted to assault the

election officer and raised objectionable slogans. If such a conduct had happened in the General Body held on 20.10.2024, then the same would in the natural course be recorded in the minutes book. It is pertinent to note that the minutes book of the General Body Meeting dated 20.10.2024 is not produced. As per Ext.B6, it is decided to conduct trial in the General Body Meeting scheduled on 25.01.2025 with respect to removal of primary membership of plaintiff from first defendant. Ext.B9 would show that 49 members including plaintiff participated in the General Body Meeting held on 25.01.2025. Ext.B8 is the Minutes of the General Body Meeting held on 25.01.2025 wherein the members present decided unanimously to remove plaintiff from his primary membership. As per Clause 22 of the bye-law, the General Body Meeting shall be held once every month. Clause 25 of Ext.A2 provides that the Agenda of the meeting shall be published in the notice. Ext.B8 does not specify the Agenda of the meeting. The notice with respect to General Body Meeting scheduled on 25.01.2025 is also not furnished. Ext.A1 would provide that there are 351 members in first defendant eligible to vote as on 12.11.2024. Whether the trial of petitioner for removal of his primary membership was included as an agenda in the notice to meeting held on 25.01.2025 and whether notice of the General Body Meeting is

duly served on plaintiff is a matter of trial. Further the non-production of the minutes of the General Body wherein plaintiff had obstructed its conduct would add credence to the case of plaintiff. Ext.B10 by itself cannot be considered as an act of misconduct by plaintiff. Incurring expenses towards conduct of election in an organization is not the fault of plaintiff. Above all, there is nothing on record to show that the Registrar had verified the proceedings and approved the removal of plaintiff from the primary membership of first defendant. As compliance of the twin conditions of Clause 11(1) and Clause 11(2) of the bye-law are mandatory for the removal of a membership, the non-compliance of Clause 11(2)(e) is fatal to the case of respondents. Accordingly, I am satisfied that plaintiff has established a prima facie case that he is still a member of first defendant Karayogam. In light of the above discussion, I am satisfied that petitioner has established a prima facie case for the relief of interim injunction Irreparable injury will be caused to the petitioner, if the above petition is not allowed. Balance of convenience is in favour of the petitioner. Accordingly I find merit in the above petition.

12. Point No.5 :- Considering the finding on point No. 1 to 4, the petition is liable to be allowed. In the facts and circumstances of the case, parties are directed to suffer their respective costs.

In the result, petition is allowed.

1. Respondents are restrained from obstructing petitioner from exercising his rights as a member of first defendant and participating in the Meetings of respondent until the permission of Karayogam Registrar is received.

2. Considering the facts and circumstances of the case, parties are directed to bear their respective costs.

Dictated to the Confidential Assistant, typed by her, corrected by me and pronounced in Open Court on this the 10<sup>th</sup> day of April, 2025.

Sd/-

**Maneesha K Bhadran**  
**Munsiff**

### **Appendix**

**Witness Examined for the Petitioner:-** Nil

**Witness Examined for the Respondent:-** Nil

### **Exhibits for the Petitioner**

A1	12.11.2024	Copy of voters list
A2		Copy of bye-law
A3	11.11.2024	Copy of Complaint
A4	03.01.2025	Copy of Application
A5	03.01.2025	Copy of Postal receipt
A6	17.01.2023	Subscription receipt
A7		Receipt of donation of Janma Nakshathra Fund.

### **Exhibits for the Respondent**

B1	09.12.2024	Postal receipt.
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B2	17.01.2025	Postal receipt.
B3		Copy of minutes Committee meeting dtd.01.12.2024.
B4	09.12.2024	Copy of show cause Notice.
B5	16.12.2024	Copy of reply
B6		Copy of minutes Committee meeting dt.11.01.2025.
B7	17.01.2025	Copy of Notice
B8		Copy of minutes of General Body meeting dt.25.01.25
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B9	25.01.2025	Copy of participated members in General Body meeting.
B10	18.11.2024	Notice published by Plaintiff .

Id/-  
**Munsiff**

Order in IA. 01/2025 in OS.  
18/2025 ,Dtd. 10.04.2025