

IN THE COURT OF THE MUNSIFF, THIRUVALLA

Present:-Sri. Aravind.S.J, Munsiff.

Saturday, the 20th day of December 2025/ 29th day of Agrahayana, 1947 SE.**IA 1/2025 in OS 345/2025**

Between

1. Manoj T.K, Aged 51, S/o T K Kuttan Pillai
Thelloorpoikayil, Vallamkulam Muri
Eraviperoor Village, Thiruvalla Taluk.
 2. Dr. K.Vijayakrishnan, Aged 74, S/o K Krishnan Nair,
Krishna Veettil, Mammoodu Muri,
Konni Village, Konni Taluk.
- (By Adv. V.R.Sudheesh)

Petitioners/
Plaintiffs

And

1. National Service Society Reg.No.84, Vallamkulam P O, Eraviperoor Village, Thiruvalla Taluk. Rep by its President, Gopi Mohanan Nair, aged 73, S/o Prabhakaran Nair, Madappallil Veedu, Vallamkulam Muri, Eraviperoor Village.
2. National Service Society Reg. No. 84,
Vallamkulam P O., Eraviperoor Village, Thiruvalla Taluk rep by its Secretary, Sreelatha R aged 55, D/o Ramakrishna Pillai, Kannattumalayil, Vallamkulam Kozhimala Muri, Eraviperoor Village.
3. National Service Society Reg.No.84, Vallamkulam P.O, Eraviperoor Village, Thiruvalla Taluk.
Represented by its Treasurer, G. Kalpana Kumar aged 59, S/o V R Gangadharan Pillai, Illathayathu Veedu, Vallamkulam, Eraviperoor Village.
4. Gopi Mohanan Nair, Aged 73, S/o Prabhakaran Nair, Madappallil Veedu, Vallamkulam Muri , Eraviperoor Village, Thiruvalla Taluk.
5. Sreelatha.R aged 55, D/o Ramakrishna Pillai, Kannattumalayil, Vallamkulam Kozhimala Muri, Eraviperoor Village, Thiruvalla Taluk.
6. G.Kalpana Kumar aged 59, S/oV.R.Gangadharan Pillai, Illathayathu Veedu, Vallamkula, Eraviperoor Village
7. Jayaraman Nair, aged 68, S/o Kesavan Pillai Puthen Veettil, Vallamkulam, Eraviperoor Village

Respondents/
Defendants

8. K P Ramesh, aged 75, S/o Raman Pillai,
Pengattil Veedu, Vallamkulam, Eraviperoor Village
 9. R Sivasankaran Nair aged 75, S/o Raghavan Pillai,
Lakshmi Nivas, Muthoor Muri, Kuttappuzha Village,
Thiruvalla Taluk.
 10. G .Unnikrishnan, aged 68, S/o Govinda Pillai,
Divya Veedu, Vallamkulam Muri, Eraviperoor
Village.
 11. Sreejith R Nair, aged 53, S/o Rajappan Nair,
Malayil Veedu, Kozhimala, Vallamkulam Muri,
Eraviperoor Village.
 12. Rajeev, aged 60, S/o Thankappan Pillai, Respondents/
Manikkunnathu, Vallamkulam Muri, Defendants
Eraviperoor Village.
 13. Suresh T, aged 58, S/o Janardhanan Pillai, Jyothis
Veedu, Vallamkulam Muri, Eraviperoor Village.
 14. Suresh Kumar, aged 68, S/o Raghava Panicker,
Thekkethil Veedu, Vallamkulam Muri,
Eraviperoor Village.
 15. R Jayakumar, aged 64, S/o M P Raghavanpillai
Mannil Veedu, Vallamkulam Muri, Eraviperoor Village.
- (By Adv. Rajesh Chathenkerry for R1,R3, R4,R6 to
R9 and R10 to R15)
(R2,R5 and R9 Exparte)

This petition is filed under Order 39 Rule 1 of the of the Code of Civil Procedure.

This petition having been finally heard on 17.12.2025 and stood over for consideration on 20.12.2025 and on the same day the court passed the following:-

ORDER

The afore numbered application is filed under Order XXXIX Rule 1 of the Code of Civil Procedure, 1908.

2. Petition averments in brief are stated as follows:- The petitioners are the plaintiffs in the suit. The suit is filed for declaration and for perpetual prohibitory injunction. The respondent is a Society registered as per deed No. 84/1965 of the Thiruvalla SRO based in Vallamkulam. There is a written

constitution pertaining to the administration of the said society and a Government aided school by name National High School belongs to the 1st respondent society. The respondents 4,5 and 6 are the President, Secretary and President respectively of the 1st respondent society who were duly elected on 06-07-2025 for a period of three years. They have every right to represent the said society. There are A, B and C category members in the 1st respondent and the society have a strength of 57 members. Out of it, four members are no more. The 1st respondent society has assets worth Crores of Rupees. The 1st petitioner was the secretary of the 1st respondent society from 2022 to 2025 and is its present member. The 2nd petitioner is the present Managing Committee member and the President during 2022 to 2025. As per Clause 10 of the Constitution, the period of the General Committee and Managing Committee is 3 years and as per Clause 11 (I), the general body has to conduct elections every 3 years. As per the said mandate, a 30 member General Committee was elected on 06-07-2025 and 9 Managing Committee members including two permanent members were elected on the very same day. Sri. K.R. Sivasankaran Nair, G Unnikrishnan, Dr. K Vijayakrishnan, Rajeev, P.R. Narendran, Rakesh Chandran, K.V. Prasanna Kumar, Sreejith R Nair, Gopi Mohanan Nair, G. Kalpana Kumar and Sreelatha were elected as the Managing Committee members. The General Committee had elected Gopi Mohanan Nair as the President, Sreelatha Nair as the Secretary, Kalpana Kumar as the Treasurer and Sreejith R Nair as the Manager. The said committee is still existing. The Manager, Sreejith R Nair had to resign due to his personal reasons and the Secretary had decided to convene a General Committee meeting on 10-08-2025 and notice was issued intimating the same on 27-07-2025. On 10-08-2025, the President had declared that the Managing Committee is dissolved and decided to convene a Managing Committee meeting for electing the new Managing Committee and its office bearers on 24-08-2025. Several facts which did not actually occur also found a

place in the minutes. Thereafter several members of the society and its several of the Managing Committee members had preferred several petitions to the President contending that the said decision is unconstitutional. However they were not ready to accept the same. On 24-08-2025, the respondents 2,3 and 4 had elected a new Managing Committee and five persons including the 2nd petitioner had walked out from the said meeting before the election. The respondent 4 and 6 to 15 are the new Managing Committee members elected on 24-08-2025. Gopi Mohanan Nair was elected as the new President, K. Jayarajan was elected as the Secretary and Sri. Kalpana Kumar was elected as the Treasurer and K.P Ramesh was elected as the Manager. The said decision is unconstitutional. Only when there is any jeopardy in the management of the society could a new election be conducted. Therefore the decision to appoint respondents 4 and 6 to 15 as the new Managing Committee members is not in consonance with the constitution. The same would not affect the 1st respondent society. They are now attempting to take unilateral decision regarding the 1st respondent society and had preferred a caveat before this court. The new managing committee was not elected in the General body meeting and thus have no validity. The intention of the respondents was to elect another Managing Committee excluding the persons who were not in good terms with them including the 2nd petitioner. The respondents 4 to 6 have no right to continue as a President, Secretary and Treasurer of the 1st respondent society and to take any decisions on its behalf. Hence the petition.

3. Notice was duly served on respondents 1 to 15. The respondents 1, 3,4, 6 to 15 filed objection contending as follows:- The petition is not maintainable either under law or on facts. It is true that the 1st respondent society is a registered society and has a constitution. The members of the society are categorized into three groups. The respondents 9 and 10 are the permanent Managing Committee members of the 1st respondent society. Every

member of the A class category and $\frac{1}{2}$ members of the B class category and $\frac{1}{4}$ members of the C class category are entitled to be elected to the General Committee. Thus 5 members alone are elected from the 27 members from the B class and 14 members of C class. The general committee has 30 members. The general body which met on 06-07-2025 had elected the members from the B class and C class to the General Committee. The name of the 1st petitioner was nominated to the General Committee and he was however not elected. The respondents 9 and 10 are the permanent members of the managing committee and there is no cause of action against them. It is true that the General Committee was elected for managing the 1st respondent society from 06-07-2015 to 06-07-2028. Sreejith R Nair was elected as the Manager of the 1st respondent society and he had resigned due to his professional obligations. He is cited as the 11th respondent in the present petition. There is an aided High School under the management of the 1st respondent Society and therefore the post of Manager could not be left vacant. Thus the general committee had only rearranged the members of the Managing Committee and has not done any acts in violation of the constitution of the 1st respondent society. The 5th respondent, Sreelatha R was the secretary and she had stated that she is not ready to continue her post due to her personal obligations and the 7th respondent was thus elected as the new Secretary. The same was recorded in the minutes by the 1st respondent herself. She had given the relevant records to the new Manager and Secretary. The General Committee has every right to elect new office bearers and thus the 30 member General Committee was convened on 10-08-2025 after issuance of notice on 27-07-2025. The 2nd petitioner was also present on 10-08-2025. The General Committee was convened on 24-08-2025 after due notice and the 2nd petitioner had participated in the said committee meeting and had boycotted the same. The decision to elect new Managing Committee was taken as per the decision of the majority and they were elected

on 24-08-2025 to the vacant posts. The petitioners have no case that none of the parties who ought to have received notice did not receive notice of the meeting which was convened on 24-08-2025. Only election of new members in the place of the old members were done in the meeting held on 24-08-2025. The petitioner has approached the court with malafide intention and with unclean hands. The petitioners are not entitled to any reliefs as sought for in the petition. The General Committee have every right to fill up the vacancies in the Managing Committee. There is no cause of action to institute the petition. There is no prima facie case in favour of the petitioner. The 1st petitioner who is not a member of the Managing Committee has no right to prefer the present petition. Hence the respondent sought for dismissal of the petition.

4. Points that arose for consideration are: -

1. Whether there exists a prima facie case in favour of the petitioner?

2. Whether balance of convenience tilts in favour of the petitioner?

3. Whether refusal to grant injunction would cause irreparable injury to the petitioner?

4. What is the order as to costs?

5. On the side of the petitioner, Ext. A1 to A5 were marked and Ext. B1 and B2 were marked from the side of the respondents for the purpose of the present petition.

6. Heard both sides in detail.

7. **Point No.1 to 3:-** To avoid repetition and for brevity, these points are considered together. The case of the petitioners is that respondent no. 1 is a Registered Society which has a constitution and owns a school by name National High School. It is contended that respondent nos. 4 to 6 are the President, Secretary and Treasurer of the 1st respondent Society who were newly elected

on 06.07.2025 and they have every right to represent the Society. It is contended that the 1st Petitioner is a member of the Society and was its Secretary during 2022-2025 and the 2nd petitioner is the present Managing Committee Member. It is contended that the term of the Managing Committee and General Committee is 3 years. The Manager of the School who was also elected had resigned from his post and a General Committee was held on 10.08.2025 for electing a new Manager. The contention of the petitioners is that the President had announced on 10.08.2025 that he is dissolving the existing Managing Committee and had decided to convene a General Committee meeting on 24.08.2025 for electing new Managing Committee members. The bone of the contention of the petitioners is that the election held on 24.08.2025 for electing new Managing Committee members is against the constitution.

8. The contesting respondents per contra had contended that the respondents 9 and 10 are permanent members of the Managing Committee and that a General Committee was formed on 06.07.2025 for a period of 3 years. It is contended that the Manager of the school, Sreejith Nair had resigned from his post and that the 5th respondent who was elected as the Secretary had also expressed her desire to resign from the said post and thus the 7th respondent was elected as the new Secretary. The same was recorded in the minutes book by the 5th respondent herself and that the election was conducted in accordance with the constitution and there is nothing illegal in the said election held on 24.08.2025. It is contended by the respondents that no new election was conducted and there was only rearrangement and filling of the existing vacancies in the General Committee.

9. The fact that the 1st respondent is a Registered Society and that there is a written constitution for the 1st respondent is an admitted fact in the present case. Ext A1 is the constitution of the 1st respondent society. It is also not in dispute that there are A-class, B-class and C-class members to the 1st

respondent society. Clause 8 of Ext A1 would show that the Managing Committee includes permanent members who are from A category and not more than 11 members would be elected from the General Committee to the Managing Committee. Rule No. 8 (3) would show that the Managing Committee would have a President, Secretary, Treasurer and a Manager who would be elected from the General Committee. Clause 8.1 states that all A class members who have donated more than ₹ 1,000 would be members of the General Committee and 1/2 members would be elected from B class and 1/4 members would be elected from C class to the General Committee.

10. It is also not in dispute that the Manager of the School, Sreejith Nair had resigned from his post as the Manager and thus a General Committee was convened on 10.08.2025 for electing a new Manager. Ext A3 is the notice dated 28.07.2025 which would show that a General Committee meeting was scheduled to be held on 10.08.2025 for electing a new Manager. Ext B1 is the copy of the minutes book dated 10.08.2025. It would show that the President had expressed his willingness to resign from his post and thus one Narendran and the 2nd petitioner had also resigned from their post as members of the Managing Committee. Thus a new managing committee was decided to be elected by convening a General Committee meeting on 24.08.2025. The petitioners have not admitted the fact that the 2nd petitioner had resigned from his post and it is contended that the Managing Committee is still in existence.

11. Anyhow, it is evident from Ext B1 itself that a Managing Committee was convened on 24.08.2025 and the 2nd petitioner had also participated in the said committee as a member of the Managing Committee. Ext A1 Constitution does not deal with the manner in which a new member is to be elected to the Managing Committee when a Managing Committee member resigns. Clause 10 of Ext A1 Constitution would show that the term of the Managing Committee

and the General Committee is 3 years. Clause 9(II)(a) of Ext A1 Constitution would show that the General Committee has the power to elect the president, Secretary, Treasurer, Manager and other members of the Managing Committee. Once such an election is made, the term of the Managing Committee is 3 years.

12. In ordinary situations, the appointing authority would also have the power to elect new members if an existing member resigns. Clause 9 of Ext A1 Constitution deals with the powers of the General Body. Clause 9.1(e) is also relevant and the same is reproduced hereunder. "ഭരണപരമായി എന്തെങ്കിലും പ്രതിസന്ധി ഉണ്ടായാൽ അതിന് പരിഹാരം നിർദ്ദേശിക്കുകയോ മറ്റ് പോംവഴികളില്ല എന്ന് കാണുന്ന പക്ഷം ഭരണപരമായി നിലവിലുള്ള ഭരണസമിതിയെ പിരിച്ചുവിട്ട് പുതിയ തിരഞ്ഞെടുപ്പ് നടത്തുകയോ ചെയ്യുക ." When the respondents themselves admit that the Manager, President and 2 Managing Committee members had resigned from the post, it would obviously be a crisis which affects the governance of the society. Therefore the General body would be the authority to do issue necessary directions or to dismiss the earlier Governing Body and to conduct new election. This would indicate that the General Body has the said power and not the General Committee.

13. Ext B2 is the copy of the General Committee meeting held on 24.08.2025. Ext B2 minutes would show that 9 members were elected to the Managing Committee from the general committee. It would also show that the 2nd petitioner along with 5 other members had expressed their objection to the agenda of the General Committee meeting and had walked out of the meeting at 11.50 a. m. New members were elected to the Managing Committee which includes some of the earlier members also. The earlier President and Treasurer were re-elected and a new Secretary was elected. It would impliedly mean that in effect a new Managing Committee was constituted albeit some of the earlier Managing Committee members were re-elected in the new Managing Committee as well. Therefore, it cannot be accepted that election was merely

held to occupy the vacant posts. Moreover, the discussion made above would show that such power is vested only with the General Body and not with the General Committee.

14. It therefore cannot be said that the General Committee had the authority to re-elect members to the Managing Committee by virtue of its meeting held on 24.08.2025. There is also another aspect to the matter. Ext A3 is the notice issued by the 1st petitioner to the 5th respondent intimating that the General Committee has no authority to reconstitute the Managing Committee and that the same is vested solely in with the General Body. It is also evident from Ext A2 that the said notice was received by respondent no. 5 on 12.08.2025. Ext A5 is the notice issued by 21 members of respondent no. 1 Society intimating the same fact. Ext B2 would show that the General Committee had decided to decide on the said letter by convening a meeting on 30.08.2025. The very purpose of Ext A3 and Ext A5 notice was defeated as the meeting was scheduled to be convened on 30.08.2025 and the Managing committee was reconstituted and re-elected by the General Committee on 24.08.2025. The General Committee ought to have discussed the matter and should have made a decision on the same before proceeding to re-elect the members to the Managing Committee.

15. The petitioners being members of the General Body has every right to challenge the acts of the General Committee as they would also be affected by the acts of the General Committee. Therefore, it cannot be said that they do not have any locus standi to prefer the petition especially when the 2nd petitioner admittedly was the member of the Managing Committee which was elected for a period of 3 years in 2025. Thus, this Court is of the opinion that the petitioners have a prima facie case. It is true that Ext B1 would show that the 2nd petitioner had resigned from his post as the Managing Committee Member. However, Ext

B1 would itself show that he had participated in the Managing Committee Meeting convened on 24.08.2025. It would mean that a member who has resigned can participate and continue till a new member is elected. This court is not venturing upon to decide the question whether the 2nd petitioner had validly resigned from his post as the same is not the disputed fact in the present petition. If he has indeed resigned and the same has become valid, the General Body can take appropriate decision in the said matter as per the constitution and can even conduct new election if it is found that there is any crisis to the Management of the Society.

16. When an action is taken in violation of the written constitution, the balance of convenience would tilt in favour of the petitioners and irreparable loss and injury would be caused to the petitioners if the court legitimizes an illegal act. Therefore this court is of the opinion that the Petitioners are entitled to an order of temporary injunction restraining Respondents 4, 6 to 15 from taking any decisions of the 1st respondent Society or to conduct its day to day affairs on the basis of the General Committee meeting held on 24.08.2025 and to take any decisions or acts without the knowledge or permission of the General Committee which was elected on 06.07.2025. Needless to say, it would be competent for the General body to take necessary actions for deputing a new Manager and to take decisions on the other vacant posts in accordance with Ext A1 constitution. Thus point numbers 1 to 3 are found accordingly.

17. **Point No. 4:** Based on the discussion made above, the present petition is liable to be allowed. There is no order as to costs.

In the result, the petition is allowed as follows:

1. **The respondents 4, 6 to 15 are restrained by an order of temporary injunction from taking any decisions of the 1st respondent society or to conduct its day to day affairs on the basis of the General**

Committee meeting held on 24.08.2025 and to take any decisions or do any acts without the knowledge or permission of the Managing Committee which was elected on 06.07.2025 till the disposal of the suit.

2. There is no order as to costs.

Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court, this the 20th day of December, 2025.

Sd/-
ARAVIND S.J
MUNSIFF.

APPENDIX

Exhibits marked for petitioners:-

A1	Constitution of the I st respondent.
A2	Copy of letter dated 12.08.2025 given to the National Service Society Reg No:84.
A3	Copy of notice regarding the meeting on 10.08.2025 letter dated 28.07.2025 of National Service Society Reg No:84.
A4	Notice dated 21.06.2025 of General Election Meeting on 06.07.2025 of I st respondent.
A5	Notice issued by 21 members of R1 dated 14.08.2025 to the Secretary directing to Conduct a General Body Meeting .

Exhibits marked for Respondents:-

B1	Minutes of General Committee Meeting held on 10.08.2025
B2	Copy of notice of meeting on 24.08.2025

Id/-
MUNSIFF