

**IN THE COURT OF THE DISTRICT MUNSIF AT AMBATTUR.**

**PRESENT: TMT. FANNY RAJAN, B.A., B.L(Hons.),  
DISTRICT MUNSIF, AMBATTUR.**

Friday, the 14<sup>th</sup> day of February 2025.

**INTERLOCUTORY APPLICATION NO.4 OF 2025**

**IN**

**ORIGINAL SUIT NO.19 OF 2025**

**CNR No.TNTR22 – 000027 – 2025**

1. Ambattur Nadargal Dharma Paripalana Sangam, Represented by President

C.Kanchirajan

2. M.Selvam

3. K.Arjun Raja

4. P.Selva Madasamy

5. A.Marikkani

6. M.Selvaraj

7. G.Jaya Muthulingam

8. K.K.Ponraja

9. R.Kalidasa

..... Petitioners/Plaintiffs

Versus

1. S.Ponraj Nadar

2. K.Mariappan Nadar

3. Jayakumar Nadar

4. L.Ponrajappan Nadar

.....Respondents /Defendants

This petition having come on 10.02.2025 before me for final hearing in the presence of Shri.S.Senthilvel, G.Karthic, B.Shakthivel, M.Kokila and S.Rohini, learned counsels for the Petitioners/Plaintiffs, Shri.Durai Kannan, R.Vijayalakshmi, M.Senthilkumar and N.Praveenkumar, learned counsels for the respondents/Defendants 1 to 3, No counter endorsed for Respondent/Defendant 4, upon hearing the arguments made by the learned counsel for the petitioners and the

respondents, and also on perusal of the records, having stood over for consideration till this day, this Court delivers the following:

### **ORDER**

1. This application is filed under Order 39 Rule 1 and 2 of CPC to grant an order of interim injunction against the respondents/defendants, restraining them from acting as office bearers of the Ambattur Nadargal Dharma Paribalana Sangam in any position whatsoever, more particularly from conducting any meeting or election and from inviting nomination forms for conducting meeting either on or from 16.02.2025 or any subsequent dates, pending disposal of the above suit.

### **CONCISE STATEMENT OF PETITIONS FILED BY THE PETITIONER:**

2. The Petitioners have averred that the Sangam was founded in the year 1988 and duly registered. Currently there are 388 members and in 2017 the 1<sup>st</sup> election was conducted by due ballot system. In the said election, one Mr.Kasi rajan was elected as president, Mr.Kanchirajan as Secretary and V.Baskar as Treasurer and 27 members were nominated as Executive Committee members. The subscriptions are based on a one time fee. The election has to be conducted after lapse of 3 years as per the Bye laws. Due to pandemic situation, election was not conducted and the existing members were permitted to continue for a period 2021 – 2023.

3. While so, the second defendant, under the instructions of the 1<sup>st</sup> defendant, along with 16 other persons claimed themselves to be office bearers, the 1<sup>st</sup> defendant as the Secretary, 2<sup>nd</sup> defendant as President and 3<sup>rd</sup> and 4<sup>th</sup> defendants as advisors by one vote method. The 1<sup>st</sup> defendant had impleaded their names as office bearers and

registered as supplementary deed dated 17.10.2020 and 29.02.2024. In 2021, it was found that the 1<sup>st</sup> and 2<sup>nd</sup> defendants had abuse their powers and fabricated false minutes and acted detrimental to the interest of the Sangam. A criminal case has been registered against the defendants 1 to 3. Despite pointing it out, the defendants have not mended their ways, falsified minutes of meeting and extraordinary general meeting was scheduled to be convened to elect the office bearers.

4. Without the knowledge of the members, they had reviewed and it was protested by Mr.Kanchirajan vide a protest dated 25.10.2021 and reply dated 14.12.2021 was filed. Further O.S. no.316/2021 has been filed by Mr.Kanchirajan not to disturb the Sangam's property. Further, for misappropriation of funds of the Sangam, a criminal case has been filed against the defendants 1 to 3 in CC No.2008/2024 before the Honourable Chief Metropolitan Magistrate, Chennai and pending. A petition towards the same has to be dismissed.

5. Apart from that to ensure proper functioning of the committee the petitioners had decided to conduct a fresh election as the elections have not been conducted for the past five years. After 2020, no general body elections have been conducted and the defendants are not permitting the members to participate in the functioning of the sangam. Hence, they decided to conduct the General Body Meeting on 23.02.2025 knowing that the defendants had called for the Annual General Body Meeting on 16.02.2025 and also proposed to conduct the elections on the said day. Hence, the members filed a police complaint and they were advised to approach the civil court.

6. The minutes of the proceedings were not signed by them but it has been reflected in the minutes and the invitation. Apart from that they also planned to conduct the lucky draw on 16.02.2025. 95% of the members are not inclined to participate in the meeting on 16.02.2025. Hence, this petition for ad-interim injunction not to conduct the elections until the disposal of the suit.

**CONCISE STATEMENT OF THE COUNTER FILED BY THE RESPONDENT:**

7. The Respondent have averred that the 1<sup>st</sup> plaintiff is not duly represented. He is the Secretary of the sangam. The 2<sup>nd</sup> and 3<sup>rd</sup> defendants are the President and the Treasurers. The sangam is not duly represented and Mr.Kanchirajan has no locus standi. The suit is not maintainable. The order of interim injunction and the prayer for permanent injunction are both for the same cause. Any orders passed in the application will amount to decide the suit itself. Mr.Kanchirajan was removed from the presidential post.

8. The 1<sup>st</sup> plaintiff is allegedly the president Kanchirajan, The said Kanchirajan along with 6<sup>th</sup> and 8<sup>th</sup> plaintiff have been removed as early as on 05.09.2021 and due form 7 has been filed they are no longer president on office bearers. The other plaintiffs 2 to 9 only being members are not authorised to represent the sangam. Thus the plaintiffs have no locus standi to file this case. The plaintiffs 2 to 9 along with Mr.Kanchirajan have been involved in unauthorized chit abusing the name of the sangam and hence an FIR has been lodged. The anticipatory bail moved by the said Mr.Kanchirajan was

cancelled on 22.11.2023 and he was arrested on 27.11.2023 and later released from bail. The amount cheated by him Rs. 1,99,62,175/-. Further, he was also directed to deposit the sum of Rs.50,00,000/-.

9. The present governing body respondent 1 to 3 established Bathrakaliamman Koil Trust and one of the properties was sold for settling the balance liabilities to save the sangam reputation and deposited before the Principal District Judge, Tiruvallur. The petitioners have misled the court to escape the clutches of law and to create confusion. The respondents 1 to 3 were added as parties in the criminal case for leading investigation and settling the accounts of public money. The sale deed is with the said Mr.Kanchirajan and he has failed to submit the same.

10. The present governing bodies is attempting to form an adhoc the committee and conduct the elections. The present office bearers are duly elected members. The petitioners have approached with unclean hands and hence not entitle to relief of equity for fraud and misrepresentation. The present office bearers have already filed O.S. no.140/2024 and the same is pending for filing written statement of the said Mr.Kanchirajan and others. The petitioners are attempting to misuse the judiciary process for further litigation. They have no locus standi and they are attempting to obstruct the 37<sup>th</sup> anniversary scheduled to be held on 16.02.2025 though the notice were published on 02.02.2025. Hence, the petition has to be dismissed with exemplary costs.

11. **POINT FOR CONSIDERATION:** Whether the petitioners are entitled for the relief of ad-interim injunctions as prayed for till the disposal of the suit?

12. **Evidences:** No oral evidence has been let in by both parties. The Petitioner relied on Ex.P1 to Ex.P2 and no documents were marked on the side of the Respondents.

### **DISCUSSION AND FINDINGS.**

13. This Court heard the oral submissions made by Learned Counsel for the Petitioner and respondent perused all the materials on record. Ex.P1 to Ex.P2 have been marked on the side of the Petitioner. Whiles, no oral evidence has been let in on behalf of either parties. No documentary evidence is let in by the Respondents.

14. This Court takes judicial note of the cardinal principles for granting ad interim injunction as laid down in *Pradeep and another Vs. Ramankutty and others, 2000 MLJ 213*

*“The cardinal principles for grant of ad interim injunction are as follows:*

*(1) Whether the persons seeking temporary injunction have made out a prima facie case. This is sine qua non.*

*(ii) whether the balance of convenience is in their favour, that is, whether it would cause greater inconvenience to them if the injunction is not granted than the inconvenience which the other party seeking injunction could be adequately compensated by the awarding damages and the respondents would be in a financial position to pay them and*

*(iii) whether the person seeking temporary injunction would suffer irreparable injury.*

*It is, however, not necessary that all the three conditions must obtain, with the first condition as sine qua non at least two conditions should be satisfied by the petitioners conjunctively and a mere proof of one of the three conditions does not entitle the person to obtain temporary injunction .”*

15. Before going into the merits of the petition, this court finds that as rightly pointed out by the learned counsel for the Respondent, the relief sought for in this

petition is same as that in the main suit for permanent injunction. This court takes judicial note of the judgment of the Hon'ble Supreme Court of India in *State of U.P. and others -vs- Ram Sukhi Devi reported in (2005) 9 SCC 733, and Deoraj -vs- State of Maharashtra and Ors. reported in AIR 2004 SC 1975*. On a careful perusal of the above judgments, it is clear that the relief sought for in the main suit cannot be granted at the interim stage and also it is clear that in rare and exceptional cases, the Court would grant such an interim relief only if it is satisfied that withholding of it would prick the conscience of the Court and do violence to the sense of justice, resulting in injustice being perpetuated throughout the hearing, and at the end the Court would not be able to vindicate the cause of justice.

16. This court thus considers that it is well settled law that the main relief cannot be granted at an interim stage without justifiable reasons. Thus, this court has to identify if this is a case of such rare and exceptional case, where the injury complained of is immediate and pressing and would cause extreme hardship. The conduct of the parties shall also have to be seen and the Court may put the parties on such terms as may be prudent.

17. In the present case, it is contended by the Petitioners that the elections of the 1<sup>st</sup> Plaintiff sangam and annual general body proposed to be held on 16.02.2025. From the averments and allegations in the affidavit and counter, it is clear that both parties belong to different factions of the same sangam. Also some of the Plaintiffs and the respondents have all been implicated as the accused in the CC No.2008/2024 relating

to the mishandling of sangam and implicated for offences relating to Chit. Also there are suits in OS No.314/2021, OS No.140/2024 pending in respect of the sangam and administration.

18. One of the main contention of the Respondent is that the Sangam cannot be represented by Mr.Kanchirajan as he is not the president. Whereas, the 1<sup>st</sup> petitioner claimed to be the president of the Sangam. Only 2 documents have been marked in this case, Ex.P1 being the invitation and Ex.P2 being a newspaper advertisement after an order of status quo. From Ex.P1 and Ex.P2 the agenda for the meeting as per the invite is for discussing in the general body about the elections. It is true that pending an order of status quo the advertisement in Ex.P2 has been released on 09.02.2025. The status quo was granted to avoid any meeting to be conducted until 10.02.2025. The mere publication of advertisement has not in any manner disturbed the status Quo order, as no meeting has been convened in the interim and it is only scheduled on 16.02.2025.

19. Apart from that despite a question of locus standi being raised, the Petitioners have not filed the Form VII filed before the Societies registrar to show their locus. It is the contention of the Respondent, that the said person representing sangam as president has been removed and registered with Registrar of Societies, through Due form. Thus, the issue of locus standi involves mixed question of law and fact and cannot be decided in this petition without due trial.

20. Though the Petitioner claims that their signatures have been forged, there is no

clear details about in which minutes it is forged. Apart from that as there are allegations of mismanagement against each other, it is a matter with the perview of Section 36 of the Societies registration Act and this Court cannot adjudicate on the said issue. Even though the Petitioners apprehend elections, it appears from Ex.P1 and Ex.P2 it is only a general body meeting to discuss the conduct of elections. There is no material pleadings to show that the election and other election formalities and how the same is against the mandatory provisions of the byelaws. Even as per the respondents an adhoc committee is proposed to be formed to conduct the elections.

21. Thus, this court opines that as the election is not proposed to be conducted on 16.02.2025 and there appears to be no pressing need or urgency regarding for an interim injunction as same as the main suit. Considering the various allegations against each other, the person duly authorized to represent the sangam, this court considers that there is no prima facie case and balance of convenience resulting in a special circumstance to file the grant the same interim relief as for in the suit.

22. No prejudice would be caused if the meeting on 16.02.2025 is conducted. Whether the annual general body meeting was convened in compliance of the bye laws or not shall be decided at a later point in time. Even if the same is against the bye laws it can always be stuck down and not registered, which would be beyond the jurisdiction of this court and covered under the Tamilnadu Societies Registration Act. Restraining the meeting may result in hindrance to conduct the elections even if in accordance with the byelaws affecting the interest of all members. Thus, there is no question of multiplicity of proceedings, if the meeting is not withheld. There is no

material on record to show the alleged procedural lacuna. Therefore, this court considers that there is no prima facie pressing circumstance to treat this case as an exemptional and rare case requiring granting of interim injunction same as the permanent injunction in suit pending suit.

23. In light of the above discussions, this court finds that the Petitioners has not established a prima facie case and the balance of convenience in his favour regarding interim injunction. Further, the nature of monetary uncompensatable loss that may be caused to the Petitioners is also not clearly established from the pleadings. Hence, no prejudice would be caused to the Petitioners if the meetin proposed to be held on 16.02.2025 is conducted and any greivance regarding the same shall always raised before the Registrar of the Societies under Section 36 of the Tamilnadu Societies Registration Act. Hence, this court is inclined to dismiss this Petition for interim injunction.

24. Considering the nature of the petition, the contentions raised and the relief sought for, this Court is of the considered view that the parties shall bear their own costs.

**RESULT :-**

25. In the result, this Petition is dismissed. No costs.

Dictated to the steno-typist, transcribed by her in the desktop, corrected and

pronounced by me in the open Court on this the 14<sup>th</sup> day of February 2025.

Sd/-FANNY RAJAN  
DISTRICT MUNSIF,  
AMBATTUR.

PETITIONER SIDE WITNESSES : NIL

PETITIONER SIDE EXHIBITS:

Exhibit P1	16.02.2025	Meeting Pamphlets - Original
Exhibit P2	09.02.2025	Advertisement in Newspaper - Original

RESPONDENT SIDE EXHIBITS:NIL

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