



C.R.P.No.1370 of 2025

P.T.ASHA, J.

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The defendants 1 and 2 are the revision petitioners before this Court, challenging the orders passed in I.A.No.2 of 2025.

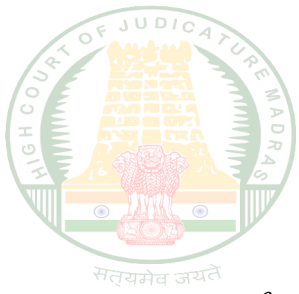
2.The short facts which forms the prelude to the above Civil Revision Petition is herein below set out:-

The plaintiff/first respondent has filed the suit O.S.No.51 of 2025 on the file of the learned District Munsif, Ambattur seeking the following relief:-

a)For declaration, declaring that the Notice dated 04.03.2025 issued by the 2nd defendant calling for an Extraordinary General Meeting (EGM) to be held virtually between 27.03.2025 to 29.03.2025 as illegal, null and void.

b)For permanent Injunction restraining the defendants and all persons claiming under the defendants, from acting upon, or giving any effect to, in any manner whatsoever, the notice dated 04.03.2025 issued by the 2nd defendant calling for an Extraordinary General Meeting (EGM) to be held virtually between 27.03.2025 to 29.03.2025.

c)For permanent injunction, restraining the defendants from taking any major decisions other than decisions pertaining to day to day administrative affairs of the 1st defendant society until the EGM requisitioned by virtue of requisition notice dated



d) Awarding costs of the suit and

e) Granting such other reliefs as this Hon'ble Court deems

fit and proper under the circumstances of the case.

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3. Along with the application first respondent/plaintiff has assailed the notice dated 04.03.2025 on the ground that it is a complete violation of the by-law 89. That apart, he has questioned the conduct of the EGM virtually without any video verification which has been permitted in the notice dated 04.03.2025. He would question the e-voting done by the Central Depository Services (India) Limited (CDSIL) as it is a company. He would state that the EGM notice dated 04.03.2025 is contra to the by-laws of the Mandate of the Tamil Nadu Societies Registration Act and its rules and he would seek to declare the notice dated 04.03.2025 calling upon the EGM on 27.03.2025 to 29.03.2025 as illegal.

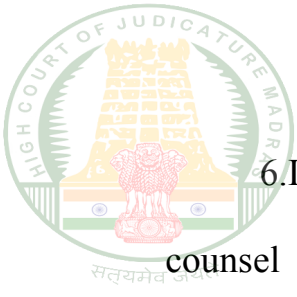
4. Along with the plaint he also sought for an interim injunction. The learned District Munsif, Ambattur, has passed orders in the said interlocutory application on 27.03.2025, by which time the e-voting had already commenced.

5. A perusal of the paragraph number 25 of the order would clearly show



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that the learned Judge was conscious of the fact that the e-voting would be active from 27.03.2025 at 10.a.m and would be disabled only after the EGM on 29.03.2025. After being fully conscious about the voting having commenced, the learned Judge has passed an interim order restraining the petitioners herein and persons claiming under them, notice dated 04.03.2025. But it does not restrain the petitioners from conducting the EGM on 29.03.2025 after the Chair Person declares the quorum and commences the meeting as invalid. The petitioners would submit that the e-voting had commenced at 10.a.m on 27.03.2025 and the interim order was passed at 3.35 p.m on 27.03.2025. By which time, large number of persons had started the voting and this e-voting is done throughout the world where there were different time zones. The voting was also handed over to Central Depository Services (India) Limited (CDSIL). Therefore, considering the fact that voting had started even prior to the interim orders, there shall be an interim suspension of that portion of the order in I.A.No.2 of 2025, wherein the learned Judge has declared the votes hold on 27.03.2028 and 28.03.2028 as invalid which practically grants the prayer in the suit, the interim order is suspended to the above and the voting shall go on. However, the results shall kept in abeyance until further orders of this Court.



6. Issue notice to the respondents, returnable by 03.04.2025. The learned counsel for the petitioner is permitted to serve the learned counsel who is appearing for the respondent in the lower Court.

7. Post on 03.04.2025.

28.03.2025
(2/2)

ep

Note:-

Issue order copy on 28.03.2025

To

1. Sajan Varghese

2. The District Munsif, Ambattur.