



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :12.03.2026

CORAM:

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

C.R.P(MD)No.594 of 2026

and

C.M.P(MD)No.2774 of 2026

M/s.Madurai United Club
represented through its Secretary,
S.Karthikeyan
Son of Sonaimuthu
having office at
32-B, West Veli Street,
Victoria Edward Hall Complex,
Madurai 625 001. ... Petitioner/Petitioner/Plaintiff

.Vs.

K.Iyer,
Son of Father's name not known,
M/s.Madurai United Club,
President,
32-B, West Veli Street,
Victoria Edward Hall Complex,
Madurai 625 001.
...Respondent/Respondent/Defendant

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India praying this Court to set aside the order made in I.A.No.1 of 2024 in O.S.No.231 of 2014, dated 7.1.2026, on



the file of II Additional Sub-Court, Madurai.

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For Petitioner : Mr.R.G.Shankar Ganesh

For Respondent- : Mr.V.Balaji

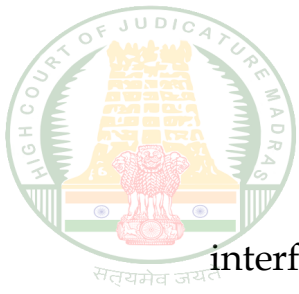
ORDER

This Civil Revision Petition challenges the order passed by the learned II Additional Sub-Judge, Madurai in I.A.No.1 of 2024 in O.S.No.231 of 2014, dated 7.1.2026.

2.The Plaintiff is the Civil Revision Petitioner.

3.For the sake of convenience, the parties shall be referred to as per their ranks in the suit.

4.O.S.No.231 of 2024 is the suit for declaration that the notice issued by the President of M/s Madurai United Club, dated 27.2.2024 as null and void. It also sought a separate relief of permanent injunction restraining the President of the Club from convening an extra-ordinary General Body Meeting with respect to M/s Madurai United Club in any manner contrary to the bye-laws. The last relief sought was for permanent injunction restraining the President of the Club from in any manner



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interfering with the right of the Plaintiff to continue in his office as the Secretary of the Club till the completion of his tenure. Summons was served on the defendant. The defendant also filed a detailed written statement.

5.The plaintiff moved for an application seeking an interim order to restrain the Club from holding an extra-ordinary General Body Meeting pursuant to the impugned notice, dated 27.2.2024. Unfortunately, he was not successful in obtaining such an interim order. Consequently, the extra-ordinary General Body Meeting was held on 21.3.2024 and resolution was also passed removing the plaintiff as the Secretary of the Club.

6.The Club, in order to elect the Office bearers, issued notice convening the General Body Meeting on 19.10.2024.The meeting was proposed to be held on 10.11.2024. Challenging the same, the erstwhile Secretary, presented another suit in O.S.No.1179 of 2024 seeking declaration that the notice convening the General Body Meeting on 10.11.2024 as null and void and for permanent injunction restraining the convening of the General Body Meeting pursuant to the impugned notice. In the second suit, summons were served and written statement has been presented.

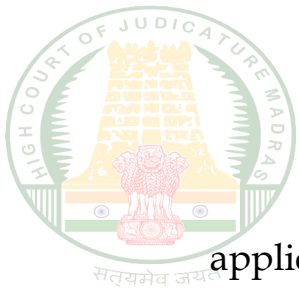


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7.As the resolution has been passed removing him from the post of Secretary, the Plaintiff presented I.A.Nos.227 and 228 of 2024 to implead the newly appointed Secretary and for declaration that the extra-ordinary General Body Meeting convened on 21.3.2024 as null and void. In these two applications, notice was ordered and counter had also been presented.

8.In order to have a comprehensive disposal, the plaintiff moved TR.C.M.P(MD)No.192 of 2025 seeking transfer of O.S.No. 231 of 2024 along with O.S.No.1179 of 2024.The said Transfer Civil Miscellaneous Petition was allowed on 25.06.2025. Post the transfer, the II Additional Subordinate Judge had taken up both the suits for hearing.

9.At this stage, the Plaintiff moved an application in I.A.No.1 of 2026 in O.S.No.231 of 2024 seeking permission of the Court to withdraw O.S.No.231 of 2024 and to file a comprehensive suit including the reliefs as prayed for in O.S.No.1179 of 2024.The ground on which the plaintiff had sought withdrawal was that the learned II Additional Subordinate Judge expressed a view that a comprehensive suit could be filed by the plaintiff claiming the reliefs in both the suits in the fresh suit. This application was not objected to by the defendant. The learned Judge took up the



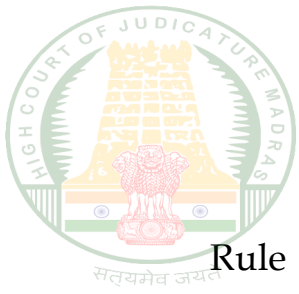
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application for disposal. By an order, dated 7.1.2026, he permitted the plaintiff to withdraw the suit, but, denied the liberty. Hence, the Petitioner is before this Court.

10.I heard the submissions made on either side.I have gone through the records placed before this Court.

11.The narration of the facts shows that both the suits O.S.No.231 of 2024 and O.S.No.1179 of 2024 are the suits which have challenged the notice dated 27.2.2024 and 19.10.2024 calling for an extra-ordinary General Body Meeting respectively. The cause of action for both the suits are separate and distinct. Today, the plaintiff wants to challenge his removal from Office as well as the election of the proposed party in I.A.No.227 of 2024 by presenting a comprehensive suit. Though he has filed an application for amendment, the amendment has not been ordered so far.It is only when an amendment is ordered, the plaint stands amended from the date of presentation of the plaint. As on today, both the suits are only challenging the impugned notice convening the meeting and not the resolutions held pursuant to the meeting so held.

12.The Plaintiff need not seek for liberty under Order 23



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Rule 1(3) of Civil Procedure Code because liberty is essential under the said provision only when the plaintiff seeks liberty to file a fresh suit in respect of the subject matter of such suit or part of the subject matter of the suit. The subject matter of O.S.No.231 of 2024 and O.S.No.1179 of 2024 is the issuance of notice convening the meeting. Notice had merged with the resolution. The Plaintiff, aggrieved by the resolution has the three years to challenge the same. The said period has not yet expired. It is open to him to file a fresh suit challenging the resolutions, even as on today.

13.Mr.R.G.Shankar Ganesh, pleads that he intends to file an amendment application seeking reliefs that he is entitled to in O.S.No.1179 of 2024. To file that, he has withdrawn O.S.No.231 of 2024. Challenging the notice, convening the meeting obviously, will not stand in his way. If he intends to challenge the resolution, he can file such an amendment application based on the resolutions passed on 21.03.2024 and 10.11.2024. They are subsequent causes of actions. A party is always entitled to amend his plaint bringing it to the notice of the Court to subsequent events and seek for appropriate reliefs. For the said purpose, the plaintiff need not labour before the trial Court seeking liberty to file a fresh suit on the same cause of action. The cause of action arising on account of the resolutions is different from the cause of



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action that arise on account of the issuance of the show cause notice and notice convening the meeting.

14. For the aforesaid reasons, I uphold the order of permitting the Petitioner to withdraw the suit. Insofar as the denial of liberty is concerned, the said relief is not necessary, as the causes of action are different.

15. In the light of the above discussions, this Civil Revision Petition is **dismissed**. However, the dismissal of this revision will not stand in the way of the Petitioner to seek an amendment in O.S.No.1179 of 2024 to include the Petitioner's challenge to the resolutions passed on 21.3.2024 and 10.11.2024. No costs. Consequently, connected Miscellaneous petition is closed.

12.03.2026

NCS : Yes/No
Index : Yes / No
Internet : Yes / No

vsn

To

The IInd Additional Subordinate Judge,
Madurai.

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Copy to

The Section Officer,
VR Section,
Maduri Bench of Madras High Court,
Madurai.

V.LAKSHMINARAYANAN.,J.

vsn

JUDGMENT MADE IN

C.R.P(MD)No.594 of 2026

and

C.M.P(MD)No.2774 of 2026



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