

SA(MD). Nos.371 and 715 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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Reserved On : 20.04.2026

Delivered on : 30.04.2026

CORAM

THE HONOURABLE MR. JUSTICE P.B.BALAJI

SA(MD). Nos.371 and 715 of 2024

and

CMP(MD)Nos.12177 of 2024 & 6698 of 2025

SA(MD). No.371 of 2024:

1. P.Raja Subramanian,

S.Daniel (died)

P.Thangavel (died)

2. R.Balachandran,

D.Robert (died)

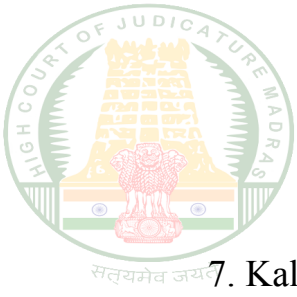
3. M.Nallaiah,

4. N.Thangavel,

A.Balan (died)

5. S.Govindan,

6. G.Elangovan,



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7. Kalaiaarasan,

R.Velusamy (died)

8. V.Paranjothi,

9. N.Paramasivam,

10. G.Gunasekaran,

11. S.Samuvel(Died),

V.Mookkan alias Mukesh Kanna

Dr.O.Natesan (died)

12. R.Gunaselvan, .. Appellants / Appellants /
Plaintiffs 1,3,5-10,12,15,17,19,21-25,27

Vs.

1. K.Varadarajan,

M.Arumugam (died)

Gunalan (died)

2. R.Murugesan,

3. K.Christdoss,

4.St.John's Sangam Trust
having office at Rover College,
Permabalur.

5. A.Annadurai, ... Respondents / Respondents /
Defendants 1,2,4,5,7 & 8



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PRAYER :- Second Appeal filed under Section 100 of Civil Procedure Code, to allow this appeal , setting aside the decree and judgment passed by the learned IV Additional Subordinate Judge, Triuchirappalli in A.S.No.20/2008 dated 31-08-2023, confirming the decree in full and the judgment in part as regards the question of membership of the plaintiffs of O.S.No.973/1990 and reversing the judgment in part as regards the question of dissolution of the St.John sangam (Registration No.16/1961) Pass by the learned Principal District Munsif, Tiruchirappalli in O.S.No. 973/1990 dated 16-04-2007 and decreeing the Original suit as prayed for with costs throughout.

SA(MD). No.715 of 2024 :

1. S.Thangaraj,
2. K.Dhanaraj, ... Appellants / Appellants / Plaintiffs 1 & 2
Vs.

1. K.Varadarajan,
M.Arumugam (Died)
T.G.P.Gunalan (Died)

2. R.Murugesan,
3. K.Christdoss,

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4. P.Muthusamy,

5. A.Muthaiyan

6. K.Ramasamy

7. K.Ayyamperumal,

S.Gopalsamy (Died).

8. M.Chandrasan,

9. K.Murugesan

S.Gunaseelan (Died)

S.Mannathi (Died)

10. S.T.Selvaraj,

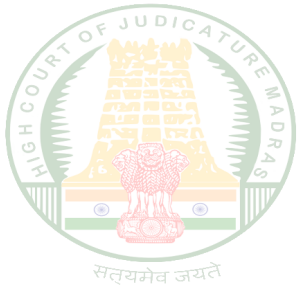
11. S.Anbhazagan

P.Rajendran (Died).

12. St. John's Sangam,
Perambalur, Represented by its Self
Stylated Secretary,
K.Varadarajan,
Rover Campus,
Perambalur.

13. St. John's Sangam Trust,,
Rover Campus,
Perambalur 621 212.

... Respondents / Respondents /
Defendants 1, 2, 4, 5, 7-21



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PRAYER :- Second Appeal filed under Section 100 of Civil Procedure Code, to allow this appeal , setting aside the decree and judgment passed by the learned IV Additional Subordinate Judge, Triuchirappalli in A.S.No.33/2008 dated 31-08-2023, confirming the decree in full and the judgment in part as regards the question of membership of the plaintiffs of O.S.No.976/1990 and reversing the judgment in part as regards the question of dissolution of the St.John sangam (Registration No.16/1961) Pass by the learned Principal District Munsif, Tiruchirappalli in O.S.No. 976/1990 dated 16-04-2007 and decreeing the Original suit as prayed for with costs throughout.

(In both Second Appeals)

For Appellants : Mr.J.Arumainayagam

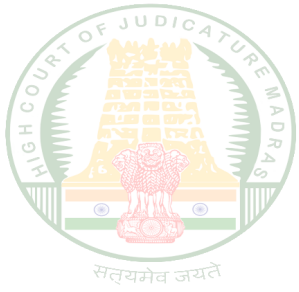
For Respondents : Mr.V.Meenakshi Sundaram
for Mr.S.Vinod Sathya Lazar for R1 and R4

: Mr.J.Madhu for R2

COMMON JUDGMENT

The plaintiffs in O.S.No.973 of 1990 before the District Munsif Court, Trichy, aggrieved by the concurrent findings rendered by the trial Court as well as the first appellate Court, are the appellants in S.A. (MD)No.371 of 2024.

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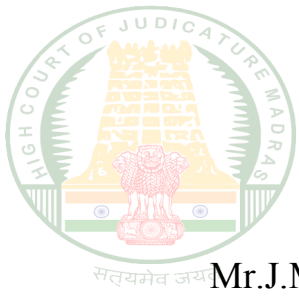
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2. The plaintiffs in O.S.No.976 of 1990 before the District Munsif Court, Trichy, aggrieved by the concurrent findings rendered by the trial Court as well as the first appellate Court, are the appellants in S.A. (MD)No.715 of 2024.

3. Considering the fact that the appeals are arising out of common cause, with the consent of the learned counsel for the parties, the appeals had been heard together.

4. For the sake of convenience, the parties are referred to as per their rank before the trial Court.

5. I have heard Mr.J.Arumainayagam, learned counsel for the appellants in both the appeals and Mr.V.Meenakshi Sundaram, for Mr.S.Vinod Sathya Lazar, learned counsel for the contesting respondents in both the appeals, viz., respondents 1 to 4 in SA(MD)No.371 of 2024 and respondents 1, 12 and 13 in SA(MD)No.715 of 2024 and



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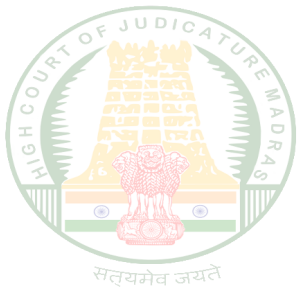
Mr.J.Madhu, learned counsel for the second respondent in both the appeals.

6. The Second Appeals were admitted on 07.04.2026 on the following substantial question of law:

“ Whether the resolution of the Sangam, passed in the absence of a special resolution, is valid under Section 41 of the Tamil Nadu Societies Registration Act, 1975?”

7. Brief facts that are necessary for deciding the second appeals are as hereunder:

O.S.No.973 of 1990 came to be filed by as many as 28 plaintiffs, claiming to be members of a registered Society, viz., St. John Sangam, having its Head Quarters at Perambalur. The plaintiffs sought for a relief of declaration that the plaintiffs are members of the said Society /Sangam and for consequential injunction to restrain the defendants from preventing the plaintiffs from functioning as members of the said Sangam.

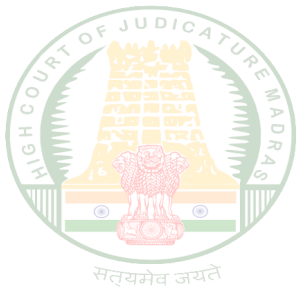


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8. O.S.No.976 of 1990 was originally filed by some of the plaintiffs originally before the District Munsif Court at Perambalur, in O.S.No.817 of 1989. The plaintiffs therein sought for relief of declaration that the defendants 8 to 19 in the said suit are not members of said St. John Sangam, and for consequential injunction to restrain the defendants from acting as members of the said Sangam and also for a similar declaration regarding defendants 1 to 7 as well, however, restricting it to the managing committee of St. John Sangam.

9. The suits were resisted by the defendants, contending that though the plaintiffs 1 to 18 had been originally initiated as members in the Society, but subsequently, they have been removed in terms of resolution passed by the Sangam. Insofar as the plaintiffs 19 to 28, the defendants contended that these plaintiffs were never members of the Sangam at any point of time.

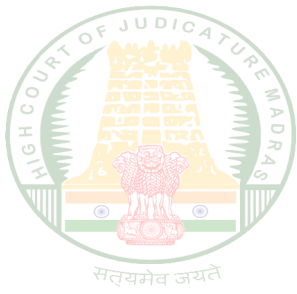


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10. With regard to O.S.No.976 of 1990 (O.S.No.817 of 1989), the defendants resisted the suit reliefs contending that admittedly the plaintiffs are members of the Sangam. However, the plaintiffs have colluded with the plaintiffs in O.S.No.973 of 1990 and hence, the plaintiffs have lost their membership from their Sangam and they are not members as on the date of filing of the suit. The allegation regarding misappropriation of funds and other unlawful activities have been stoutly denied by the defendants. The suit was transferred to the file of the Principal District Munsif, Tiruchirappalli and O.S.No.817 of 1949, re-numbered as O.S.No.976 of 1990 and both the suits were tried together and disposed of by a common judgment and decree dated 16.04.2007.

11. Before the trial Court, on the side of the plaintiffs, nine witnesses were examined as P.W.1 to P.W.9 and 18 documents were marked as Ex.A1 to Ex.A18. On the side of the defendants, two witnesses were examined as D.W.1 and D.W.2 and 182 documents were marked as Ex.B1 to Ex.B182.



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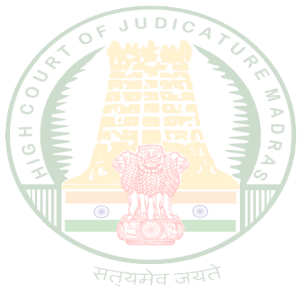
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12. The trial Court, on appreciation of the oral and documentary evidence adduced by the parties, dismissed both the suits. Aggrieved by the same, two appeals came to be filed in A.S.Nos.20 and 33 of 2008 on the file of the IV Additional Subordinate Judge, Tiruchirappalli. The first appellate Court, in and by common judgment dated 31.08.2023, dismissed both the appeals and confirmed the judgment and decree of the trial Court.

13. Aggrieved by the concurrent findings of the trial Court as well as the first appellate Court, these second appeals have been filed.

CMP(MD)No.6698 of 2025:

14. Pending the second appeal, the appellants have also filed this application seeking to place additional evidence invoking under Order 41 Rule 27 CPC.



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15. According to the petitioners, these documents are necessary for decision in the second appeal. It is also stated that even before the first appellate Court these documents were marked in I.A.No.536 of 2018, which was a receiver application. The learned counsel would therefore state that no prejudice would be caused, if these documents are received as additional evidence.

16. To this Civil Miscellaneous Petition, a counter affidavit has been filed, stating that the documents are irrelevant and they were not produced before the Courts below.

17. On going through the affidavit filed in support of the petition, I find that the appellants have not satisfied the mandate of Order 41 Rule 27 CPC. No explanation has been given for not marking these documents before the Courts below. In fact, the petitioners themselves admit that these documents were marked in I.A.No.536 of 2018 before the first appellate Court. In such circumstances, Order 41 Rule 27 CPC cannot be



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invoked at this stage. Further, considering the substantial question of law framed, these documents are not going to be any assistance to this Court as well. Hence, C.M.P.(MD)No.6698 of 2025 is dismissed.

18. Mr.J.Arumainayagam, learned counsel for the appellants would firstly contend that St.John Sangam was originally formed by a German missionary for the purpose of setting up an orphanage for poor boys and to provide not only basic education but also education at the highest level for the orphanage children. According to Mr.J.Arumainayagam, learned counsel for the appellant, management of the Sangam fell into the wrong hands of the first defendant, K. Varadarajan, who gradually gained control over the affairs of the Sangam and also managed to become its Secretary. Mr.J.Arumainayagam, learned counsel for the appellants would contend that the said Varadarajan acting arbitrarily and guided by his own whims and fancies, went to the extent of attempting to dissolve the Sangam during the pendency of the suits. However, the District Registrar directed the first defendant to re-instate all the members and conduct for elections. Though the same was challenged by the defendants



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by way of writ petition, the Writ Court quashed the direction of the District Registrar to conduct fresh elections, however, confirmed the order of the reinstatement of the removed members. In pursuance of the same, according to Mr.J.Arumainayagam, O.S.No.817 of 1989 came to be filed by the plaintiffs 1 to 28, who sought for re-instatement, being part of total 126 members. Mr.J.Arumainayagam, learned counsel for the appellants would further state that the trial court had also granted an interim stay initially restraining Varadharajan from acting as Secretary. The suit was however transferred to the Principal District Munsif Court, Trichirappalli, pursuant to the orders of the District Court to be tried along with O.S.No.973 of 1990.

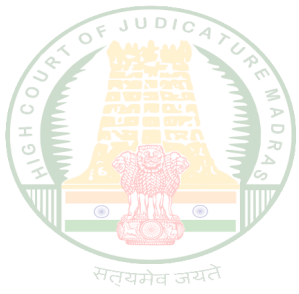
19. Mr.J.Arumainayagam, learned counsel for the appellants inviting my attention to Ex.A3 would contend that the meeting held on 16.06.1989 was called for only with the Agenda of General Administration of the Sangam, discussion and decision regarding resolution for all of the Managing committee of the Sanagam dated 13.05.1989 (Ex.B12) to decide adult education and the implementation of 30 centres, and any other matter brought before the General Body.



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Referring to Ex.A3, according to Mr.J.Arumainayagam, learned counsel for the appellants would state that the said resolution did not even whisper about any election to be conducted. He invited my attention to Section 26(2) and (3) of the Tamil Nadu Societies Registration Act, contended that notice was mandatory before conduct of elections and in the absence of even an Agenda in Ex.A3, the first defendant's actions were highly illegal, arbitrary and without the force of law. He would further state that the defendants have vaguely pleaded in the written statement that the elections were conducted properly and there has been no violation without meeting the serious allegations that have been made, exposing the illegal acts of the first defendant in conduct of the elections. The same arguments were also advanced insofar as the dissolution of Sangam, without any due process. He would also state that the Sangam had valuable immovable properties and no decision was taken with regard to the transfer of immovable properties belonging to the Sangam as well. He would therefore state that the dissolution itself is *per se* illegal and void and the plaintiffs are consequently entitled to the prayers sought for in the respective suits.



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20. Mr.J.Arumainayagam, learned counsel for the appellants further invite my attention to bye-law 14(c) which prohibits the revocation of the Sangam and would contend that when the bye-law specifically makes the Sangam irrevocable, its dissolution was itself impermissible. He would further state that required quorum is also not there for passing the resolution. Referring to Section 41(4) of the Societies Registration Act, Mr.J.Arumainayagam, learned counsel for the appellants would state that admittedly the Sangam is receiving funds from both the Central Government and the State Government and without prior consent of the appropriate Government, the Sangam ought not to have been dissolved.

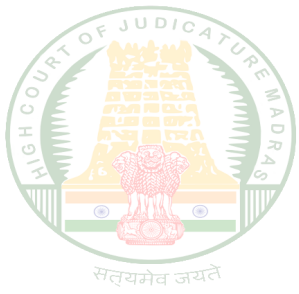
21. He would also rely on Section 17 of the Registration Act to fortify his arguments that the immovable properties belonging to the Sangam could not have been transferred without a registered instrument in place. He would also attack the judgment of the first appellate Court on the ground that without even reference to Ex.A3, which was the



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foundation of the case of the first defendant for removal of the members and also dissolution of the Sangam, the first appellate Court has proceeded to non suit the plaintiffs merely based on assumption and presumptions ignoring material evidence brought on record. He would also attack the findings of the first appellate Court, as being opposed to Order 41 Rule 31 of the Code of Civil Procedure as well. Mr.J.Arumainayagam, learned counsel for the appellants would also refer to the relevant portions of the evidence adduced by the first defendant/Varadarajan and contend that he had admitted to the fact that the writ petition was allowed holding that the District Registrar did not have power to conduct elections. The learned counsel would therefore state that the Courts below have totally lost sight of the statutory provisions of the Tamil Nadu Societies Registration Act, in dismissing the suits and the Courts below have given a seal of approval to the high handed acts, financial irregularities committed by the defendants, especially, the first defendant. He would therefore pray for the second appeals being allowed.



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22. Mr.J.Arumainayagam, learned counsel for the appellants has relied upon the following decisions:

1. Judgment of this Court in ***Vallivalam Desikar Polytechnic Educational Society, Nagapattinam v. The Registrar***, reported in ***2012-3-LW-532***

2. Judgment of the Karnataka High Court in ***Chief Controlling Revenue v. H.Narasimhaiah***, reported in ***1991-192-ITR-708 KAR***

23. Per contra, Mr.V.Meenakshi Sundaram, learned counsel for the contesting respondents in both appeals would point out to the reliefs sought for in both the suits and contend that without challenging the removal of the plaintiffs, through appropriate relief, the suits as framed were not maintainable in the eye of law. He would further state that the suit is also barred for non-joinder of the Society in the first place. Though the plaint was subsequently amended, Mr.V.Meenakshi Sundaram, learned counsel would state that at the relevant point of time, when the Society was made a party, the Society itself was not in an existence. Pointing out the by-laws, Mr.V.Meenakshi Sundaram, would

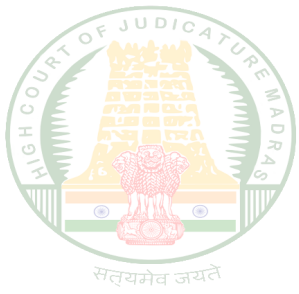


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contend that there was no impediment for winding up the Society and the reliance on bye-law 14(c) was wholly misplaced and misconceived. He would also state that the resolution in and by which the plaintiffs 1 to 18 were removed and the Society /Sangam was also dissolved have not been challenged. On the other hand, they have been accepted and acted upon.

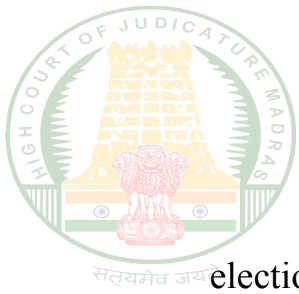
24. He would point out to the fact that except some of the plaintiffs, who were Christians, all other plaintiffs are Hindus and they had locus in terms of bye-law 2(c), which mandates members are required to be of Christian faith. Pointing out to the relief sought for in O.S.No. 976 of 1990, Mr.V.Meenakshi Sundaram, would contend that the reliefs have been couched in a negative form and without adducing any evidence or proof, the plaintiffs were not entitled to any relief. He would further state that subsequent to dissolution of Sangam, Trust also be formed and the Trust has taken over the assets and liabilities of the Sangam and it's functioning, carrying out various laudable objectives and hence, the plaintiffs are not entitled to maintain the suits, especially, as instituted with the above referred reliefs alone.



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25. Insofar as the plaintiffs 19 to 28, Mr.V.Meenakshi Sundaram, learned counsel for the contesting respondents would contend that they have not let in any evidence as to how they were inducted as members or are continuing to be lawful members of the Sangam. He would therefore contend that the plaintiffs 19 to 28 also have failed to prove their entitlement to the relief of being declared as members of the Sangam. He would further state that proper procedure was followed before removal of the members and show cause notices were issued and receipts were also been admitted by the plaintiffs themselves and necessary proof has been adduced before the trial Court. The learned counsel would further state that despite amending the plaint, the plaintiffs never choose to challenge the resolution or dissolution of Sangam and belatedly after a lapse of 10 years, complaint was made in 2004, that too, by a formerl member, challenging the dissolution. However, the District Registrar rejected the same under Ex.B.158, which was also confirmed in Ex.B.173. The said orders have not been challenged, though passed way back in the year 1994 and 2004. He would further state that without challenging the



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election, the second suit in O.S.No.976 of 1990 seeking a negative prayer is also not maintainable and the plaintiffs therein have not even established as to how the defendants are disqualified from being part of the Managing Committee. He would therefore pray for dismissal of the second appeals, contending that no substantial question of law arises for consideration.

26. I have applied my mind carefully to the submissions advanced by the learned counsel on either side. I have also gone through the judgment and decree of the trial Court and the first appellate Court as well as carefully perused the pleadings, oral and documentary evidence adduced by the parties.

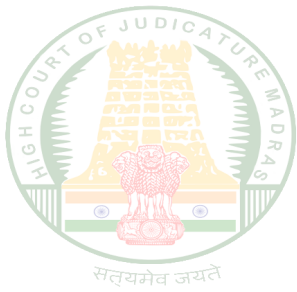
27. Firstly, even before addressing the substantial question of law framed by me, on a prima facie hearing of the second appeals for admission, I find force in the submissions made by Mr.V.Meenakshi sundaram, learned counsel for the contesting respondents, that the suits as framed without a challenge to the resolutions or the dissolution of the



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Sangam cannot be successfully maintained in the eye of law. It is not as if the plaintiffs were unaware of the resolutions passed, removing some of the plaintiffs from the membership of the Society and also subsequent dissolution of the Sangam as well. Despite having chosen to amend the plaint, pending trial, the plaintiffs have not even attempted to challenge the resolutions, elections and the consequent dissolution of the Sangam as well. The trial Court as well as the first appellate Court, in this regard, have rightly come to the conclusion that despite an additional written statement being filed that the suit reliefs had become infructuous, the plaintiffs have not challenged the dissolution of the Sangam and there was no scope even for moulding the relief in favour of the plaintiffs. Since the plaintiffs 1 to 18 have miserably failed to prove that they had been removed from membership, without following due process of law, the Courts below had rightly appreciated the admissions of the plaintiffs in cross examination as well as documentary evidence adduced on the side of the defendants to satisfy that all was well with the procedure adopted and there was no violation of the provisions of the Societies Registration Act.



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28. Eventhough it has been forcibly contended and argued by Mr.J.Arumainayagam, learned counsel for the appellants, the defendants acted in violation of the principles of natural justice and deprived the plaintiffs of a fair opportunity to be heard before their removal and the Sangam was dissolved, from the evidence on record, the Courts below have non suited the plaintiffs finding that due process of law was followed and the members were put on notice. Such concurrent findings of fact cannot be interfered with in second appeals in exercise of power under Section 100 of the Code of Civil Procedure.

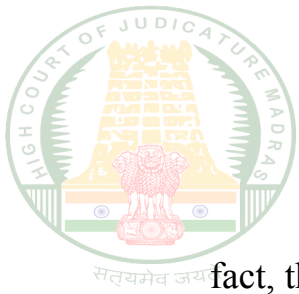
29. Insofar as the plaintiffs 19 to 28 as well, the Courts below have concurrently found from the evidence adduced by the plaintiffs that, they have failed to establish that they have been members at any point of time and on such failure, they were not entitled to the relief sought for in the suit. The first appellate Court, has also independently tested... the findings of the trial Court, based on the pleadings as well as the oral and documentary evidence available on record and concurred with the



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findings of the trial Court, I do not see any mis reading of pleadings and evidence brought on record by the parties or even failure to address a legal questions that arose for consideration in the suit. Hence, there is absolutely no scope for interference under Section 100 CPC. The question of law framed at the time of admission regarding absence of passing special resolution under Section 40 (c) of the Tamil Nadu Societies Registration Act, 1975, does not even arise in the facts of the present case, in view of the afore-stated detailed discussion. Even with regard to the writ petition, on which strong reliance has been placed by the learned counsel for the appellants that the order passed in the writ petition has been marked as Ex.B.56. From the order copy, which has been marked Ex.B56, I find that this Court, on the writ side, disposed of the writ petition by observing that under the Societies Registration Act, 1975, there is no power for the first respondent to order election to be conducted and since the District Registrar had ordered election, on that simple ground alone, the writ petition was allowed and the impugned order was set aside. I do not see any direction issued by this Court in the said writ petition, directing re-instatemnet of the members removed. In



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fact, the plaintiffs fall back only on the order of the Writ Court to seek reinstatement of their membership. In the absence of any such specific direction by the Writ Court and even the plaintiffs themselves have not challenged the removal, I do not see how the relief sought in the suits can be maintained, let alone be granted to the plaintiffs as prayed for.

30. Insofar as the decisions that have been relied on by Mr.J.Arumainayagam, learned counsel for the appellants, in ***Vallivalam Desikar Polytechnic Educational Society's*** case, this Court held that there are four different methods by which a society registered under the Act can cease to exist and that till the affairs of the society are wound up and the society is dissolved, the society continues to be in existence, even if its registration is cancelled. This Court also held that any person aggrieved by the cancellation of registration of Society is entitled to file an appeal under Section 45(1)(b), but, as against an order striking of the name of the Society being registered, any person cannot file an appeal. I do not see how the decision would can be applied in favour of the appellants. As I have already discussed, the plaintiffs have not



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challenged the resolutions, elections and consequently, dissolution of Sangam. In such circumstances, the order passed by this Court in a revision petition arising under Article 227 of the Constitution of India, which was on an entirely different factual matrix cannot be applied to the facts on hand.

31. Coming to the decision of the Full Bench of the Karnataka High Court, in **Chief Controlling Revenue's** case, the Court referring to Section 14 of the Karnataka Societies Registration Act, 1960, held that there is no provision in the Act to change the character of the society to a trust and further such transaction would amount to a transfer of the property, thereby attracting higher stamp duty as well, That was a case where the question before the High Court was with regard to stamp duty that is payable for the declaration of the Trust. In such circumstances, the decision was rendered. In the instant case, none of these issues arise, since the plaintiffs have not challenged the dissolution or even the consequent formation of the Trust and transfer of properties from the Society to the Trust. Further, the plaintiffs 1 to 18 have been removed



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and the removal has not been challenged and the remaining plaintiffs have not established that they were members. Therefore, this decision also will not come to the aid of the appellants/plaintiffs.

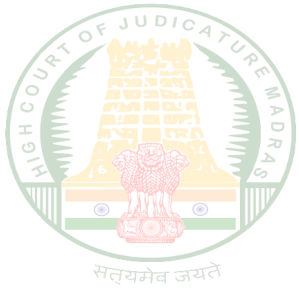
32. The Courts below have considered and appreciated the pleadings, oral and documentary evidence, the legal position with regard to the Trust/ Societies and rightly held that the plaintiffs were disentitled to any of the suit reliefs. I do not see any grounds arising any interference under Section 100 of the Code of Civil Procedure. There is no merit in these second appeals.

33. In fine, these second appeals are dismissed. There shall be no order as to costs. Consequently, connected CMP(MD)No.12177 of 2024 is closed. C.M.P.(MD)No.6698 of 2025 is dismissed.

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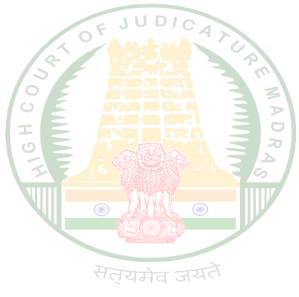
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To

1.The IV Additional Subordinate Judge,
Tiruchirappalli

2.The Principal District Munsif,
Tiruchirappalli

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



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**Pre-delivery Judgments made in
SA(MD) Nos.371 and 715 of 2024**

30.04.2026