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SLP(C)No. 23005 OF 2003

ITEM No.37

Court No. 3

SECTION XII

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.23005/2003

(From the judgement and order dated 21/11/2003 in CMP 17687/03  
of The HIGH COURT OF MADRAS)

V. SUBRAMANIAN

Petitioner (s)

VERSUS

V. RAMALINGAM AND ANR.

Respondent (s)

(With prayer for interim relief)

Date : 19/12/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI  
HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s)Mr. M.N.Krishnamani, Sr. Adv.  
Mr. T.Raja,Adv.

For Respondent (s)Mr. R.Anand Padmanabhan,Adv.  
Mr. Pramod Dayal, adv.

UPON hearing counsel the Court made the following

O R D E R

Issue notice.

The learned counsel for respondents No. 1 and 2 appears and takes notice. With the consent of the learned counsel for the parties the matter is heard finally.

Leave granted.

Appeal stands disposed of in terms of the signed order. No order as to the costs.

Parties are directed to appear before the District Judge, Nagerkoil, Tamil Nadu on 23.12.2003 and produce a copy of this order accompanied by copies of pleadings in the Trial Court. The observer may call for such other documents and make such other enquiries as he may feel necessary.

(Ajay Kr. Jain)

(Radha R. Bhatia)

Court Master

Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10227 OF 2003  
(Arising out of SLP(C) No.23005 of 2003)

V. Subramanian

....

Appellant

Versus

V. Ramalingam & Anr.

....

Respondent

O R D E R

Issue notice.

The learned counsel for respondents No. 1 and 2 appears and takes notice. With the consent of the learned counsel for the parties the matter is heard finally.

Leave granted.

A meeting of the Society is to be held. The dispute which has arisen is whether the appellant has become ineligible from continuing in the office as member of the Society. There is also dispute whether the respondent No. 1 can at all convene a meeting of the Society. To resolve this controversy and to give a quietus to the litigation, we direct the District Judge, Nagerk oil, Tamil Nadu to appoint a judicial officer to act as an observer and to take a decision on the following questions by summary hearing and affording the parties an opportunity of participation therein :-

(i) Whether the meetings dated 24.8.2002, 4.9.2002, 16.9.2002 and 2.10.2002 (if any) were validly convened meetings?

(ii) Whether the Appellant has incurred any disqualification or ineligibility consequent upon having not attended the above said meetings?

(iii) Whether the applicability of Rule 13(2) of the Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974 is attracted, and if so, its effect?

After deciding the abovesaid questions in the light of the pleadings of the parties filed in the civil suit a meeting of the Executive Committee of the Society shall be called, which shall be presided over by the Observer for appointing a new Secretary, if necessary. The proceedings in terms of the above order shall be concluded within a period of six weeks from the date of communication of this order. The compliance with this order shall be made on non-working days by the officer appointed by the learned District Judge. Both the parties shall pay a fee of Rs. 5,000/- each (totaling to Rs. 10,000/-) to the observer appointed by the learned District Judge, Nagerkoil.

Parties are directed to appear before the District Judge, Nagerkoil, Tamil Nadu on 23.12.2003 and produce a copy of this order accompanied by copies of pleadings in the Trial Court. The observer may call for such other documents and make such other enquiries as he may feel necessary.

The decision by the observer shall be binding on all the parties.

Appeal stands disposed of. No order as to the costs.

.....J.  
(R.C. LAHOTI)

.....J.  
New Delhi (ASHOK BHAN)  
December 19, 2003