

CRP(MD)Nos.343 and 468 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date of Reserved	28/08/2026
Date of Pronounced	01/10/2026

CORAM:

THE HONOURABLE MS.JUSTICE R.POORNIMA

**CRP(MD) NOs.343 and
468 of 2026**

{CNR: HCMD010133272026}



Case QR

and

CMP(MD)Nos.10714, 10717, 1561 and 2092 of 2026

(1)CRP(MD)No.343 of 2026:-

Rajakumar Nadar : Petitioner/13rd Respondent/
7th Defendant

Vs.

1.S.Vaikunda Rajan : 1st Respondent/Petitioner/
Proposed 7th Plaintiff

C.Kamaraj Nadar (Died)

2.N.Selvakumar Nadar

3.S.Sundarraaj @ Sundar Nadar

4.P.Rajasekar Nadar

5.K.Usha

6.E.Packiya Raj : Respondents 2 to 6/
Respondents/Plaintiffs 2 to 6

7.Anitha R.Sivanandham Nadar

8.Tirunelveli Dakshina Mara Nadar Sangam

9.District Registrar of Societies (Administration),
Tirunelveli Registration District,
Combined Registrar Registration Office,
Behind Thooyaovan School,
Sankar Colony, Palayankottai,
Tirunelveli District.



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10. Joint Director of College Education,
Office of the Joint Director of College Education,
Near Rani Anna College,
Tirunelveli.

11. Tamil Nadu Government,
through its District Collector,
Tirunelveli.

12. Kalidasan Nadar : Respondents 7 to 12/
Respondents 7 to 12/
Defendants 1 to 7

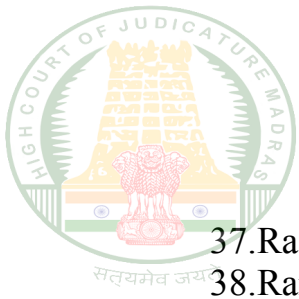
13. A. Selvaraj Nadar
14. V. P. Ramanathan Nadar
15. Kamaraj Nadar
16. Kamaraj Nadar, S/o. Selvam Nadar
17. Umari Shankar Nadar
18. Vaithiyalingam Nadar
19. Kalyanasundaram Nadar
20. Sivabalan Nadar
21. Arumuganainar Nadar
22. Sivasankar Nadar

: Respondents 13 to 22/
Respondents 14 to 23/
Defendants 8 to 17

23. S. Selvan Nadar
24. Nithiyapalaiya Nadar
25. Essakkimuthu @ Asokan Nadar
26. Ravinthiran Nadar

: Respondents 23 to 26/
Respondents 25 to 28/
Defendants 19 to 22

27. Thanithangam
28. Nainar Nadar
29. Pirmanatha Nadar
30. Ramasubbu Nadar
31. Janakar Nadar
32. Satishkumar Nadar
33. Selvaraj Nadar
34. Thangavelu Nadar
35. Palraj Nadar
36. Chellapandi Nadar



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- 37.Radhakrishnan Nadar
38.Ramesh Nadar
39.Manikavasagam Nadar
40.Ragunathan Nadar
41.Asokan Nadar
42.Ragavan Nadar
43.Soundarraaj Nadar
44.Anbulingam Nadar
45.Kaniraj Nadar

: Respondents 27 to 45/
Respondents 30 to 48/
Defendants 24 to 42

PRAYER: This Civil Revision has been filed under Article 227 of the Constitution of India, against the fair and decretal order passed in IA No.115 of 2025 in OS No.205 of 2022, on the file of the Principal Sub Court, Tirunelveli, dated 04/11/2025.

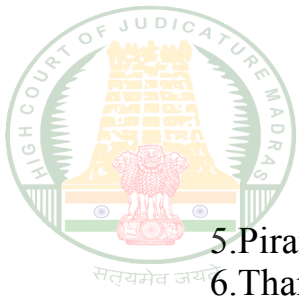
For Petitioner : Mr.C.Arul Vadivel @ Sakar
Senior Counsel
for Mr.V.S.Rishikesh

For 1st Respondent : Mr.V.Raghavachari
Senior Counsel
for Mr.VR.Shanmuganathan
Mr.L.Prabahkaran

For R2 to R5 : Mr.L.Prabhakar
For 7th Respondent : Mr.H.Arumugam
For 8th Respondent : Mr.V.Meenakshi Sundaram
for Mr.R.T.Arivu Kumar

(2)CRP(MD)No.468 of 2026:-

- 1.Rajakumar Nadar
2.Kamaraj Nadar
3.Kalyanasundaram Nadar
4.Selvan Nadar



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5.Piramantha Nadar
6.Thangavelu Nadar
7.Palraj Nadar
8.Regavan Nadar
9.Soundarraaj Nadar
10.Kaniraj Nadar

: Petitioners/Petitioners/
D7,D11,D14, D19, D26, D31
D32, D39, D40 and D42

Vs.

C.Kamaraj Nadar (Died)
1.N.Selvakumar
2.S.Sundarraaj @ Sundar Nadar
3.P.Rajasekar Nadar
4.K.Usha
5.E.Packiyaraj

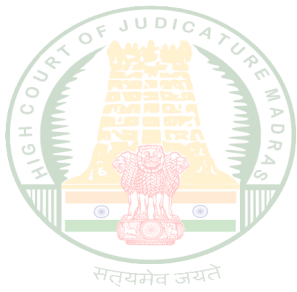
: Respondents/Respondents/
Plaintiffs 2 to 6

PRAYER:-This Civil Revision has been filed under Article 227 of the Constitution of India, as against the fair and decretal order passed in IA No.117 of 2025 in OS No.205 of 2022 on the file of the Principal Sub Court, Tirunelveli, dated 07/11/2025.

For Petitioners : Mr.S.Srinivasaraghavan
for Mr.V.S.Rishkesh

For R1 to R4 : Mr.V.Raghavachari
Senior Counsel
for Mr.VR.Shanmuganathan
& Mr.L.Prabhkar

For 5th Respondent : No appearance



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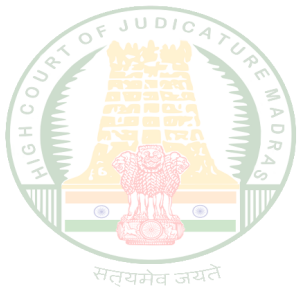
COMMON ORDER

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CRP(MD)No.343 of 2026 has been filed challenging the fair and decreetal order passed in I.A.No.115 of 2025 in O.S.No.205 of 2022, dated 04/11/2025 by the learned Principal Sub Court, Tirunelveli, whereas CRP(MD)No.468 of 2026 has been filed challenging the fair and decreetal order passed in I.A.No.117 of 2025 in O.S.No.205 of 2022, dated 07/11/2025 by the learned Principal Sub Court, Tirunelveli.

2.I.A.No.115 of 2025 was filed by one S.Vaikunda Rajan seeking to implead himself as a plaintiff, whereas I.A.No.117 of 2025 was filed by defendants 7, 11, 14, 19, 26, 31, 32, 39, 40 and 42 seeking dismissal of the suit as having become infructuous.

3.Originally, O.S No.205 of 2022 was filed by one Kamaraj Nadar against the respondents viz., Anitha Sivanantham Nadar and Tirunelveli Dakshina Mara Nadar Sangam, rep. by its Secretary, seeking a declaration that the notice issued for convening the meeting on 04/05/2022 was illegal and for a consequential mandatory injunction restraining the respondents from conducting the said meeting on 04/05/2022 or any other further meetings and to pass injunction restraining the defendants from conducting election .

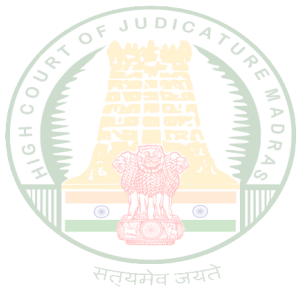


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4.Subsequently, the said Kamaraj Nadar died, leaving behind his children, who were already impleaded as parties to the suit. Thereafter, the General Body meeting was conducted on 04/05/2022 and an election was also conducted by the respondents. Hence, an application for amendment was filed seeking a declaration that the General Body meeting held on 04/05/2022 was null and void and for a permanent injunction restraining the respondents from conducting any further meetings.

5.It is further submitted that the election was originally conducted on 31/08/2021 and Form-VII was submitted to the District Registrar. However, the same was not accepted on the ground that 21 clear days notice had not been given. Thereafter, Anitha R.Sivanandham Nadar was requested to convene the meeting, but she did not conduct the meeting. Consequently, the election was conducted on 04/05/2022 and Form-VII was thereafter submitted with 21 clear days' notice. However, the District Registrar, Tirunelveli, did not take the same on file. Subsequently, the District Registrar admitted Form-VII, subject to the outcome of the suits in O.S.Nos.342 of 2021 and 205 of 2022.



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6. Aggrieved by the same, the plaintiff filed W.P.(MD)No.15333 of 2022 seeking a Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings in No.5187/E1/2021, dated 28/06/2022 on the file of the second respondent, quash the same and consequently direct the second respondent to accept Form-VII submitted by the petitioner in respect of the General Body meeting dated 31/08/2021.

7. This Court dismissed the said writ petition, holding that no restraint order had been passed by the Civil Court restraining the District Registrar from taking Form-VII submitted by the fourth respondent on file, placing reliance upon the judgments of this Court reported in **2008 (1) MLJ 1308 [R.Muralidaran Vs. District Registrar]** and **2013 (2) CTC 241 [Yadhavar Kalvi Nithi Registered Society Vs. State of Tamil Nadu]**. This Court further held that the matter warrant no interference.

8. Aggrieved by the said order, the plaintiff preferred W.A. (MD)No.1448 of 2022 before the Division Bench of this Court. The Division Bench of this Court granted liberty to both parties to raise all their contentions before the Civil Court in O.S.Nos.342 of 2021 and 205



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of 2022, pending before the learned Principal Sub Court, Tirunelveli. The

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Division Bench further directed the trial Court to dispose of the said suits on merits, on or before 31/07/2023, without being influenced by any of the observations made by the District Registrar in his order dated 28/06/2022.

9.The petitioner in CRP(MD)No.343 of 2026 further contended that the trial had commenced and P.W.1 and P.W.2 were examined. The examination of all the parties was completed on 12/02/2025. At that stage, P.W.2 filed an application under Order 1 Rule 10(2) of the C.P.C. seeking to implead himself as the 7th plaintiff, claiming that he is a life member of the Society and that he had already been examined as P.W.2. It is stated that, apprehending that the defendants might approach the plaintiff, he sought to implead himself as a plaintiff and effectively conduct the proceedings.

10.The contention of the revision petitioner is that already he has been examined as P.W.2, through him documents were marked as Exs.P7 to P28. They further stated that P.W.2 had been removed from the membership of the Society as early as on 31/12/2024 and that he had not



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challenged the said removal. Therefore, he is no longer a member of the

WEB COM Society and has no locus standi to seek impleadment as a plaintiff.

11.It is also contended that he did not come forward with the application for impleadment at the initial stage and has filed the same only at a belated stage, after the trial had substantially progressed. D.W.1 and D.W.2 have also been examined. His impleadment at this stage would further delay the disposal of the suit. Therefore, P.W.2 is neither a necessary nor a proper party to the suit and the application seeking his impleadment is liable to be dismissed and prays for allowing CRP(MD)No.343 of 2026 by setting aside the impugned order of the trial court.

12.Mr.H.Arumugam, learned counsel appearing for the 7th respondent (Anitha R.Sivanandham Nadar) in C.R.P.(MD)No.343 of 2026 would contend that the suit was originally filed seeking an injunction restraining the first respondent and its members from conducting the General Body meeting. However, the meeting was conducted and pursuant to the said General Body meeting, an election was also conducted on 04/05/2022. Therefore, an application for amendment was filed seeking to incorporate a prayer for declaring the



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meeting conducted on 04/05/2022 by the first respondent as null and

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void and for declaring the Form-VII submitted before the District Registrar pursuant to the said meeting as null and void, besides restraining the respondents from conducting any further election, amending the bye-laws or conducting any further meeting or passing any further resolution. During the pendency of the trial, the plaintiff (Kamaraja Nadar) died and his legal heirs were impleaded as his legal representatives. The suit was originally filed by Kamaraj Nadar, who was not an office-bearer, but one of the members of the Society. The present petitioner seeks to implead himself as a plaintiff on the ground that the defendants attempted to purchase the existing plaintiff and therefore, he is a necessary party to the suit. Even though he was a member, he was subsequently removed pursuant to a resolution passed by the present office-bearers namely the President and the Secretary. However, the trial Court, without properly considering the objections, allowed the application on the ground that he had the right to sue and that he had vehemently deposed on behalf of the plaintiff. According to the learned counsel, the said finding is not correct.

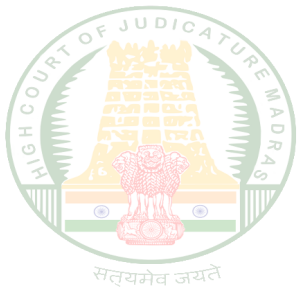
13.He referred to Section 55 of the Tamil Nadu Societies Registration Act, 1975 and submitted that no act or proceeding of a



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registered society, committee or officer of the Society shall be deemed to be invalid merely on the ground of any vacancy or defect in the organisation of the society, the formation of the General Body or the constitution of the committee; any defect or irregularity in the election or appointment of a member of the committee or an officer of the society; or any defect or irregularity in such act or proceeding not affecting the merits of the case.

14.It is further submitted that an election had already been conducted and pursuant to the resolution removing the plaintiff S.Vaikunda Rajan from the membership of the Society, the said removal cannot be questioned in the present proceedings. The respondents had already filed Form-VII in respect of the newly elected members of the Society. Initially, the said Form-VII was not accepted on the ground that it had not been filed within the prescribed time. Subsequently, another election was conducted and Form-VII was ultimately accepted, subject to the result of the suits in O.S Nos.342 of 2021 and 205 of 2022. The respondent challenged the same in W.P.(MD)No.15531 of 2022 and W.P.No.1096 of 2022 and prays for the dismissal of the CRP(MD)No.343 of 2026.



15.In support of his contention, he relied upon the judgment in

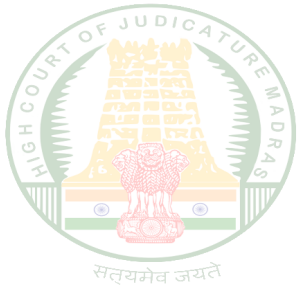
Eternal Word Trust, represented by its Author R.Israel Jabaraj v.

Eternal Word Trust, a Registered Charitable Religious Trust,

reported in **2026 (3) CTC 693**, wherein it has been held in paragraph 12

as follows:-

“12.The facts of the present case are almost identical. However, the important and most relevant distinction in my considered opinion is that the Respondent has not challenged any of the actions taken by the Petitioner, either removing the Respondent from the post of Managing Trustee or removing the Respondent even from the Primary Membership of the Trust. In such circumstances, the Petitioner in the present case stands on a better footing and a removal Managing Trustee/Member, certainly does not have any locus to intervene in an application filed by the Petitioner Trust to sell the properties belonging to the Trust. The petitioner is neither a proper nor necessary party to adjudicate the issues that arise for consideration before the Court in the Trust O.P since she lost the locus to claim herself to be a member of the Trust.”



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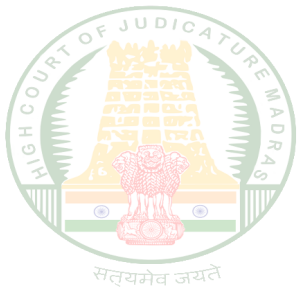
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16.The learned Senior counsel appearing for respondents 2 to 5 in

CRP(MD)No.343 of 2026 submitted that after the death of Kamaraj Nadar, Rajakumar Nadar filed I.A.No.117 of 2025 seeking dismissal of the suit as infructuous under Section 151 of the C.P.C. It is submitted that the respondents had earlier filed I.A.Nos.7 and 8 of 2022 in O.S.No.205 of 2022 seeking dismissal of the suit as infructuous.

17.The learned counsel for the petitioner in CRP(MD)No.468 of 2026 contended that the only issue arising in the suit is whether the respondents were competent to convene the General Body meeting on 04/05/2022. The General Body meeting was admittedly held on 04/05/2022 and an election was also conducted on the same day, pursuant to which new office-bearers were elected.

18.It is further submitted that as per the bye-laws of the Society, the tenure of the elected members is three years and therefore, the tenure of the members elected on 04/05/2022 had expired. Thereafter, another election was conducted on 03/05/2025 and a new body was elected to manage the affairs of the Sangam. Therefore, according to the learned counsel, the relief sought in the suit has become infructuous.



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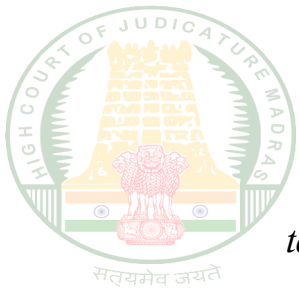
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19.It is submitted that the application was filed under Section 151 of the C.P.C., since there is no other specific provision to seek dismissal of the suit on the ground that it has become infructuous.

20.Reliance was placed upon the judgment of the Hon'ble Supreme Court in **Shipping Corporation of India Vs. Machado Brothers and others**, reported in **(2004) 11 SCC 168**, wherein it has been held in paragraphs 20, 21, 22, 25, 28 and 29 as follows:-

“20.From the above, it is clear that if there is no specific provision which prohibits the grant of relief sought in an application filed under Section 151 of the Code, the courts have all the necessary powers under Section 151 CPC to make a suitable order to prevent the abuse of the process of court. Therefore, the court exercising the power under Section 151 CPC first has to consider whether exercise of such power is expressly prohibited by any other provisions of the Code and, if there is no such prohibition, then the Court will consider whether such power should be exercised or not on the basis of the facts mentioned in the application.

21.In the instant case, the appellant contends that during the pendency of the first suit, certain subsequent events have



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taken place which have made the first suit infructuous and, in law, the said suit cannot be kept pending and continued solely for the purpose of continuing an interim order made in the said suit.

22. While examining this question, we will have to consider whether the court can take cognizance of a subsequent event to decide whether the pending suit should be disposed of or kept alive. If so, can a defendant make an application under Section 151 CPC for dismissing the pending suit on the ground that the said suit has lost its cause of action? This Court in the case of Pasupuleti Venkateswarlu v. The Motor & General Traders, (1975) 1 SCC 770, at paragraph 4, has held thus:

“We feel the submissions devoid of substance. First about the jurisdiction and propriety vis-à-vis circumstances which come into being subsequent to the commencement of the proceedings. It is basic to our processual jurisprudence that the right to relief must be judged to exist as on the date a suit is instituted the legal proceeding. Equally clear is the principle that procedure is the handmaid and not the mistress of the judicial process. If a fact, arising after the lis has come to court and has a fundamental impact on the right to relief or the manner of



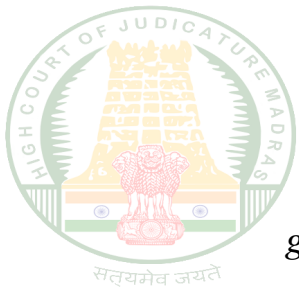
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moulding it, is brought diligently to the notice of the tribunal, it cannot blink at it or be blind to events which stultify or render inept the decretal remedy...”

25. Thus, it is clear that by the subsequent event, if the original proceeding has become infructuous, ex debito justitiae, it will be the duty of the court to take such action as is necessary in the interest of justice, which includes disposing of infructuous litigation. For the said purpose, it will be open to the parties concerned to make an application under Section 151 of CPC to bring to the notice of the court the facts and circumstances which have made the pending litigation infructuous. Of course, when such an application is made, the court will enquire into the alleged facts and circumstances to find out whether the pending litigation has in fact become infructuous or not.

28. Therefore, in our opinion, the courts below erred in continuing an infructuous suit just to keep the interlocutory order alive, which, in a manner of speaking, amounts to putting the cart before the dead horse.

29. The next ground given by the courts below that the dismissal of the suit would prejudice the respondent, again on the



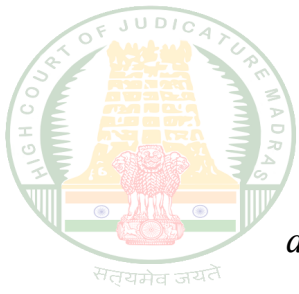
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ground of interlocutory order getting dissolved, cannot also be sustained. If the suit in fact has become infructuous, consequences of dismissal of such suit cannot cause any prejudice to the plaintiff. As a matter of fact, the consequence should be to the contrary, that is, such continuance of infructuous suit would cause prejudice to the defendant.”

21.The learned counsel also relied upon the judgment of this Court in **Latin Catholic Fishermen's Educational Society v. Leenus (died) and others, reported in 2024-5-L.W.122**, wherein it has been held in paragraphs 2 and 5 as follows:-

“2.The case on hand pertains to the affairs of the Latin Catholic Fishermen Educational Society. It is a society registered under the Tamil Nadu Societies Registration Act, 1975. One Leenus and A.Xavier filed O.S.No.183 of 2011 on the file of the Principal District Munsif Court, Eraniel, seeking declaration that the election of the office-bearers of the society in the General Body meeting held on 17.09.2021 is null and void. Permanent injunction was sought against the official defendants from ratifying the said meeting. Interestingly, some unusual features

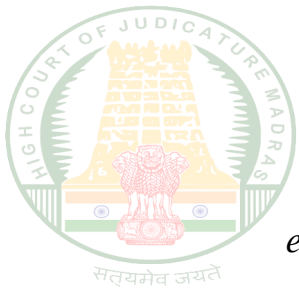


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are evident on the very face of it. Both the plaintiffs, namely, Leenus and Xavier, were admittedly not members of the society. The persons shown as defendants were not the ones who were elected in the General Body meeting held on 17.09.2011. Neither Rev.Fr.Joseph Justus nor Rev.Fr.M.Stephen were competent to represent the society from the year 2011 onwards. They were erstwhile office-bearers. It is well settled that the tenure of any elected committee is three years as per Section 15 of the Tamil Nadu Societies Registration Act, 1975. The suit ought to have been dismissed as infructuous by the year 2014 if it did not warrant dismissal earlier on the ground of locus standi.

5.Looked at from any angle, the procedure adopted by the court below appears to be grossly in breach of the statutory provision. Though the revision petitioner herein was shown as defendant in the suit, it was represented by a person who was not competent to represent. The suit had been disposed of on the basis of a conciliation report. The petitioner could not have availed remedy under Section 96 of C.P.C. In this background, invocation of the supervisory jurisdiction under Article 227 of the Constitution of India is very much in order. The object of conferring supervisory jurisdiction on the High Court is to



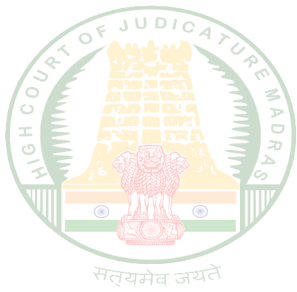
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ensure that the courts below act within their bounds. In this case,

I clearly find that the court below had acted in breach of the statutory procedure and had not even taken note of the fact that the first plaintiff had passed away. If the matter was proposed to be disposed of on the basis of compromise, the plaintiffs ought to have been directed to appear in person. The suit itself deserved burial as infructuous.”

22.The learned counsel further relied upon the judgment of the Hon'ble Supreme Court in **Rajendra Bajoria and others v. Hemant Kumar Jalan and others**, reported in (2022) 12 SCC 641, wherein it has been held in paragraphs 17, 18 and 20 as follows:-

“17.It could thus be seen that the court has to find out as to whether, in the background of the facts, the relief, as claimed in the plaint, can be granted to the plaintiff. It has been held that if the court finds that none of the reliefs sought in the plaint can be granted to the plaintiff under the law, the question then arises as to whether such a suit is to be allowed to continue and go for trial. This Court answered the said question by holding that such a suit should be thrown out at the threshold.

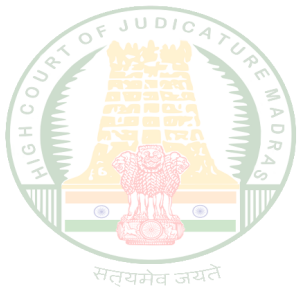


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18. Therefore, the question that will have to be considered is as to whether the reliefs as claimed in the plaint by the plaintiffs could be granted or not. We do not propose to do that exercise, inasmuch as the Division Bench of the High Court has elaborately considered the issue as to whether, applying the provisions of the said Act read with the aforesaid clauses in the Partnership Deed, the reliefs, as claimed in the plaint, could be granted or not.

20. It could thus be seen that this Court has held that the power conferred on the court to terminate a civil action is a drastic one, and the conditions enumerated under Order VII Rule 11 of CPC are required to be strictly adhered to. However, under Order VII Rule 11 of CPC, the duty is cast upon the court to determine whether the plaint discloses a cause of action, by scrutinizing the averments in the plaint, read in conjunction with the documents relied upon, or whether the suit is barred by any law.”

23. In M.Biswas Vs. N.K.Bhattacharjee and others, reported in 2002(4) SCC 68, it has been held in para 10 as follows:-



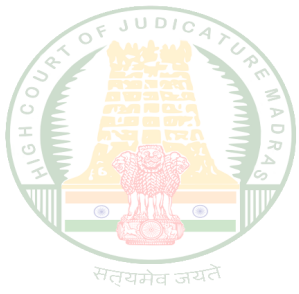
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“10.From the narration of facts and the contentions raised on behalf of the parties, it is clear that the dispute raised in the case has lost its relevance due to passage of time and subsequent events which have taken place during the pendency of the litigation. As noted earlier, the dispute in the case relates to election of office bearers of the South Eastern Railway Mens' Union. The dispute arose at a point of time when both the appellant and the respondent No. 1 were members of the said Union. Now both have ceased to be members of the Union. Further, successive elections have been held to elect office bearers and the office bearers so elected have been recognized by the management. In the circumstances, continuing this litigation will be like flogging the dead horse. Such litigation, irrespective of the result, will neither benefit the parties in the litigation nor will serve the interest of the Union. Accepting the contentions raised on behalf of respondent No. 1 that the successive elections held in the meantime were invalid because he was not permitted to participate in it and to quash all such elections and direct holding of fresh elections under the supervision of the Court, will be contrary to democratic functioning of the employees Union. Furthermore, Courts in the present situation of exploding dockets can ill afford to stand time in such an exercise.”

24.In The Music Academy rep, by its Executive Trustee Vs. Inspector General of Registration, Chennai and others, reported in 2005(4) LW 67(DB), it has been held in paragraphs 35 to 37 as follows:-

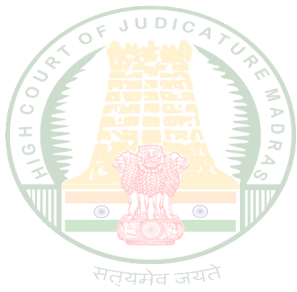


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“35.Contentions have been raised in the writ petitions filed by R. Parthasarathy and N. Kuppuswami Chetti that election on 24.6.2001 having been held on the basis of the amended bye-laws of 1989 and the names of the office bearers having not been communicated to the Registrar within three months as required, it should be held that there was no Executive Committee. As already held, the provision in 1989 bye-laws could not have been followed for holding the election and on that basis, nomination of some of the candidates should not have been rejected. However, illegal or erroneous rejection of nomination of some of the candidates would not make the entire election ipso facto void and the person, whose nomination had been illegally or erroneously rejected, could have challenged the election in a manner known to law. In the absence of any challenge, it must be taken that the persons elected were duly elected as there is no scope for challenging such election in a collateral proceeding. Moreover, in view of the provisions contained in [Section 55](#) of the Act to the effect that no act or proceeding of the society or any committee shall be deemed to be invalid merely on the ground of any defect in the organisation of the society or the formation of the general body or the constitution of the committee and on the ground of any defect or Page 1333 irregularity in the election or appointment of a member of the committee, notwithstanding some defects in the election of some of the members, it must be held that the Executive Committee had been validly elected and the act or proceedings of the



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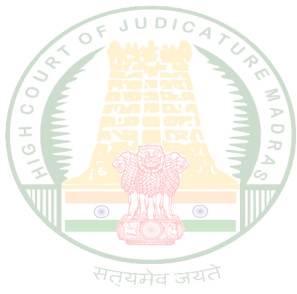


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Society or the Committee cannot be impugned.

36. The contention to the effect that the Trustees could not have been given a superior role vis-a-vis the members of the Managing Committee even though acceptable, does not have any practical effect in nullifying any of the action taken by the Trustees which must be deemed to have been ratified by the Managing Committee. The action taken by the Trustees / Managing Committee can be taken to be valid in view of the provisions contained in [Section 55](#) of the Act.

37. A contention has been raised that the Committee if at all taken to be constituted properly had tenure for 3 years and, therefore, it had no right to continue the office beyond 3 years in view of the specific provision contained in [Section 15\(4\)](#) of the Act that the term of office of the members of the committee shall not exceed three years from the date of their appointment. However, it is apparent that when the Committee initiated steps for holding the Annual General Body Meeting, a writ petition had been filed on the ground that the very election of the Committee itself was illegal and, therefore, no action can be taken by such Committee and a restraint order had been passed. Subsequently, by virtue of the interim orders passed by the Court, such Committee was allowed to take certain decisions. Reference has been made by Mr. K. Chandru, learned Senior Counsel, regarding selection of an artist for award. It has been submitted by him that even though the Court made it clear that the Committee should carry on day-to-day affairs and no policy decision should be taken, such a decision was taken by the Committee. Similarly, reference was made regarding the decision taken to hold musical function on 26.12.2005 in aid of Tsunami victims. As already indicated at the threshold, the



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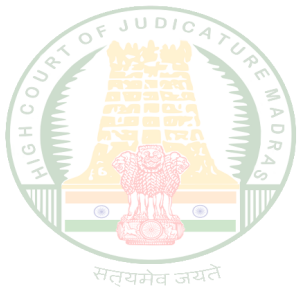


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Music Academy has a fair name not only within Tamil Nadu but in other parts of the country. Internal differences should not diminish the lustre of the Music Academy within and outside Tamil Nadu. In view of the order passed by the Court, possibly it would have been more prudent on the part of the existing Committee not to take any such decisions. However, since such decisions have already been taken and must have been communicated to the persons concerned, we hope no further ruckus would be raised on this aspect. However, if any such question persists, it would be always open to the newly elected Committee to consider such matter. It is needless to point out that the newly elected Committee Members would take into account all the relevant facts and circumstances, including the question of fair name of the Music Academy while taking any decision on any of the matter inter-connected with any decision already taken by the existing Committee.”

25. In I.Nelson and another Vs., Kallayam Pastorate and others, reported in **(2006)11 SCC 624**, it has been held in paragraphs 14 to 17 as follows:-

“14. It is true that elections were being held under the supervision of an Advocate Commissioner for sometime past. We will also assume that there had been some mismanagement of the Church of the properties on the part of the elected representatives. We may also proceed on a further assumption that the provisions of the 1975 Act had also not been complied with. The question, however, remains that as the appellants before us were not parties in the High Court, the impugned order is whether sustainable in law. The High Court proceeded to set aside all the elections in their entirety on the premise



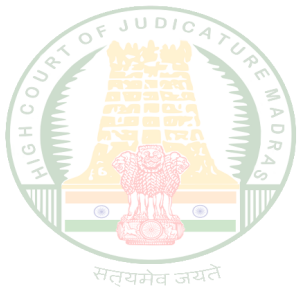
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that the society has become a defunct one.

15. While passing the impugned orders, the High Court did not notice the relevant provisions of the 1975 Act. The councilors representing the parties, for one reason or the other, did not also bring to the notice of the High Court the effect of the provisions of the 1975 Act, vis-à-vis, the 1860 Act. The society, presumably keeping in view the nature of its activities, was required to be compulsorily registered. It is, however, not in dispute that it was so registered under the Central Act of 1860. Once it is held that the society was registered under the 1860 Act; in terms of Section 53 of the 1975 Act it shall be deemed to be registered thereunder. The effect of a legal fiction is well-known. Legal fiction created, it is trite, must be given full effect.

16.....

17. We fail to understand as to why the Inspector General of Registration, who was impleaded as a party in the suit, also did not bring the relevant provisions of the Tamil Nadu Act to the notice of the High Court. The statutory authority, while allowing the impugned order to be passed by the High Court, abdicated itself of its statutory functions. The society might not be, in fact, registered as such under the 1975 Act, but, as it was registered under the 1860 Act, we have no other option but to hold that it was deemed to be registered also under the 1975 Act. Having regard to the provisions contained in Section 53 thereof, once the society became a society registered under the 1975 Act, all the consequences arising thereunder shall ensue. It was, therefore, for the statutory authorities to take recourse to such actions as are provided for in the 1975 Act or the Rules framed thereunder. In the event, the society became defunct or other statutory requirements were not complied with by the members of the society, penal measures could have been taken but in no situation the election



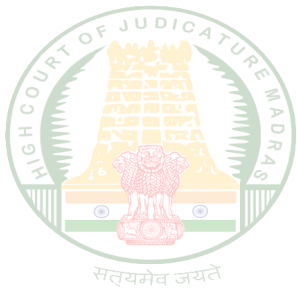
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of the office bearers could have been set aside. Right to contest an election of an office-bearer of the society is a statutory right of the member thereof. Such a right also exists under the bye-laws of the society. It is not the case of the respondents that the bye-laws of the society are invalid in law. Once a valid election was held, the High Court, in our opinion, could not have directed setting aside of an election only on the purported ground that it became defunct. An almost similar question came up before this Court in Board of Control for Cricket in India & Anr. vs. Netaji Cricket Club & Ors. [(2005) 4 SCC 741], wherein this Court, despite its jurisdiction under Article 142 of the Constitution of India, did not venture to consider the validity or otherwise of the election of the office-bearers of BCCI as they had not been impleaded as parties therein, stating :

"On 11-10-2004, we had, after hearing the counsel for the parties, observed that if a situation arises this Court would go into the validity of the election of the office-bearers of the Board held in the meeting dated 29- 9-2004, but, as indicated hereinbefore, we did so under a mistaken belief that the Board would be represented by the new office-bearers and, thus, all parties would be before us. However, it now stands admitted that the office-bearers either in their personal capacity or official capacity are not before us. They may have notice of the pendency of this proceeding. They may be sitting on the fence and watching the proceedings of this Court. But, unless they are made parties in these proceedings, we would not be in a position to entertain the dispute as regards validity of the meeting of 29-9-2004 resulting in the election of the office-bearers. Giving an opportunity of hearing to the elected members in



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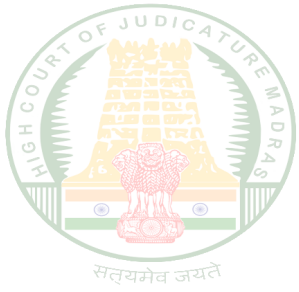
CRP(MD)Nos.343 and 468 of 2026

a dispute of this nature is imperative and not a matter of mere procedure, formality or technicality. The election dispute, therefore, must be adjudicated upon by a proper forum."

26.In Samson Premdoss Vs. Besant Nagar Club and others, reported in **2025(6) CTC 21**, it has been held in paragraph 17 as follows:-

"17.The question with regard to the right of the Society to pass orders, in view of the fact that the Society has been defunct, the Hon'ble Supreme Court in [L.Nelson's](#) case, has held that when a Society has been declared as defunct because of statutory provisions under the [Tamil Nadu Societies Registration Act, 1975](#), it would entail penal measures to be taken and in no situation, the election of office-bearers can be set aside on that ground. Further, it is also brought to my notice that steps have been taken to regularize the registration of the Society. In the light of the ratio [laid down by](#) the Hon'ble Supreme Court, I do not find any reason to compel myself to accept the argument of the learned counsel for the petitioner that the actions taken by the Club are illegal in view of the society being declared defunct."

27.The learned counsel, therefore, submitted that none of the prayers survives and that the suit has consequently become infructuous and is liable to be dismissed as such.



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28.Per contra, the learned counsel appearing for the respondents in CRP(MD)No.468 of 2026 contended that the petitioner had suppressed the fact that similar applications had already been filed by some other persons seeking the very same relief of dismissal of the suit as infructuous and that the present I.A.No.117 of 2025 had been filed seeking the same relief.

29.It is submitted that the trial Court dismissed the application on the ground that though the tenure of the elected office-bearers had come to an end, the election conducted on 04/05/2022 itself is under challenge. Therefore, the parties have to proceed with the trial in respect of the amended plaint and the application seeking dismissal of the suit as infructuous has no merit.

30.The learned counsel further submitted that another attempt has been made by defendants 7, 11, 14, 19, 26, 31, 32, 39, 40 and 42 by filing the revision petition viz., CRP(MD)No.468 of 2026. According to the learned counsel, the judgments relied upon by the petitioner arise out of proceedings under Order VII Rule 11 CPC, whereas the main prayer in



CRP(MD)Nos.343 and 468 of 2026

the present suit is to challenge the General Body meeting held on

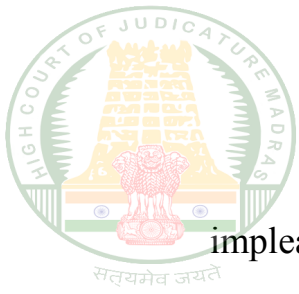
04/05/2022 and the election conducted pursuant to the said meeting.

Therefore, it cannot be presumed that the prayer has become infructuous.

31.It is further submitted that the petitioners have been filing several applications and despite the earlier order passed by this Court directing expeditious disposal of the suit within a time frame, nearly 99 applications have been filed, thereby delaying the proceedings. Hence, according to the learned counsel, there is no merit in the revision petition and the same is liable to be dismissed.

32.So far as C.R.P.(MD)No.343 of 2026 is concerned, the contention of the respondents is that the petitioner, who sought to be impleaded as a plaintiff, had already been examined as P.W.2 and through him, Exs.P.17 to P.28 were marked. Therefore, according to the respondents, in order to drag on the proceedings, he had filed the present application.

33.It is further submitted that the petitioner had been removed from life membership of the Society and that the said fact had also been published in the newspaper. He has not challenged the said removal. Therefore, according to the respondents, he has no locus standi to seek

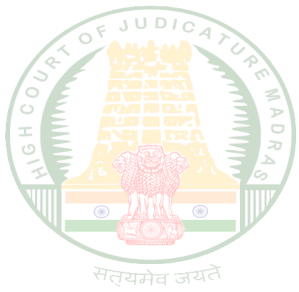


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34. Heard both sides and perused the materials available on record.

35. The suit was originally filed by Kamaraj Nadar, son of Rajendra Nadar, challenging the meeting proposed to be held on 04/05/2022. The notice issued convening the meeting on 04/05/2022 was challenged and a prayer was also made restraining the respondents from conducting the said meeting. However, the meeting was conducted and an election was also held. Form-VII was thereafter submitted before the District Registrar, which was initially rejected. Subsequently, another Form-VII was submitted and was admitted subject to the outcome of the suit. The same was challenged in a Writ, but the Writ Petition was dismissed, against which, Writ Appeal filed which was dismissed, but liberty given to put forth their individual grievances before the pending suit. The Writ Appeal direction was issued to speedy trial. The trial also commenced. Since the defendants already conducted general body meeting an application for amendment was filed by the plaintiffs seeking a declaration that the General Body meeting held on 04/05/2022 was null and void and that the election conducted pursuant thereto was also null and void and the same was allowed.



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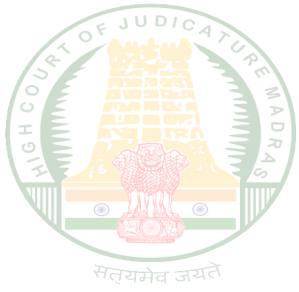
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36. During the pendency of the suit, the original plaintiff, Kamaraj Nadar, died on 20/09/2023. His wife, namely Usha, filed an application seeking to implead herself as the 5th plaintiff. Similarly, certain members filed I.A.Nos.2 to 4 of 2024 and all the applications were allowed by the trial Court by order, dated 07/12/2023. Against the said order, the defendants filed C.R.P Nos.331 to 333 of 2024 and C.R.P Nos.719 to 731 of 2024. This Court, dismissed that civil revision petitions, by order dated 27/03/2024, held in paragraphs 28 to 30 as follows:-

“28. The prayer sought for by the deceased Kamaraj Nadar is that the Special General Body meeting and the election held on 04.05.2022 are null and void.

29. As mentioned, I find that it is nothing but a common cause, which is available to all the members to challenge the same, if they are aggrieved.

30. No doubt that no proper application was filed, either by K.Usha or any other persons under Order I Rule 8 CPC seeking permission of this Court to represent the aggrieved persons of the Sangam to continue the suit or to defend the suit, as the case may be. That will not affect the right of Usha to continue the suit. When K.Usha wanted to continue the suit for the benefit of the aggrieved persons or members of the Sangam, I am of the considered view that in this case, it is not the personal cause of K.Usha. Therefore, the petitioner's stand is not correct.”



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37.Further, the present applications have been filed by a member of the society in respect of a common cause of members of the Society and several documents have also been filed. In such circumstances, this Court is of the view that the 1st respondent (S.Vaikunda Rajan) has not sought to assert any independent right of his own. It is true that the amendment sought belatedly, but the 1st respondent (S.Vaikunda Rajan) explained the circumstances, he is not a third party, a member of the society, already examined as witnesses relied numerous documents to support the cause of society. Further, the original plaintiff, who filed the suit died and no serious prejudice would be caused if he is impleaded as one of the party. The 1st respondent in CRP(MD)No.343 of 2026 states that he was removed from the society, but the election of defendants is now under challenge and therefore, the contention of 1st respondent that merely because he was removed from the life membership of the Sangam, he has no locus to participate in the proceedings is unsustainable. His removal is lawful or not, would be decided after conclusion of trial.

38.Therefore, the trial Court has properly considered the issue and allowed the application. This Court finds no infirmity in the order passed



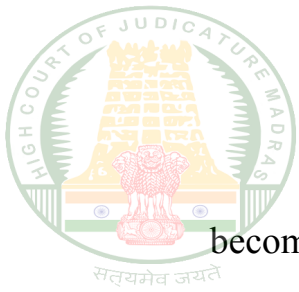
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by the trial Court. Accordingly, **C.R.P.(MD)No.343 of 2026** is **dismissed**.

39. So far as **C.R.P(MD)No.468 of 2026** is concerned, the contention of the petitioners is that the prayer sought for by the plaintiffs has already become infructuous.

40. According to the petitioners, the respondents had challenged the notice convening the meeting on 04/05/2022, as well as the election conducted pursuant thereto. Since both the meeting and the election have already taken place, it is contended that the suit has become infructuous.

41. This Court unable to accept the said contention. Once the notice convening the meeting and the subsequently election were specifically challenged, the fact that the meeting and the election thereafter conducted would not by itself rendered the suit infructuous. More particularly if the election was conducted independently and not in accordance with the order of the court, the subsequent occurrence of the election cannot defeat the substantive challenge raised by the petitioners. The validity and legality of such election would still remain subject to adjudication in the proceedings. Hence, it cannot be said that the suit has



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become infructuous merely because the meeting and the election have already been conducted.

42. Therefore, this Court cannot, at this stage, come to the conclusion that the suit has become infructuous. The judgments relied upon by the learned Senior Counsel for the petitioners are distinguishable on facts and are not applicable to the present case. The question raised in the suit is still under adjudication. Therefore, CRP(MD)No.468 of 2026 also fails and the same is dismissed.

43. It is noted that the petitioners have filed as many as 99 petitions, which has resulted in the trial not being concluded within the time stipulated by this Court in the order passed in W.A.(MD)No.1448 of 2022. In the circumstances, the trial court is hereby directed to strictly comply with the directions issued by the court and to proceed with the matter without granting unnecessary adjournment. The plaintiffs are permitted to carry out the amendment sought for. The plaintiffs shall carry out the amendment and file amended plaint within 14 days from the date of receipt of copy of this order. Thereafter, the defendants shall be afforded an opportunity to file their reply statement/additional written statement as the case may be. If necessary, the trial court shall frame additional issues arising out of the amendment. The entire proceedings,



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including the filing of the reply statement and framing of additional issues shall be completed within one month from the date of receipt of copy of order. Thereafter, the trial court shall take up the main suit on a day-to-day basis and shall conclude the trial and dispose of the suit within three months thereafter, without granting any unnecessary adjournment.

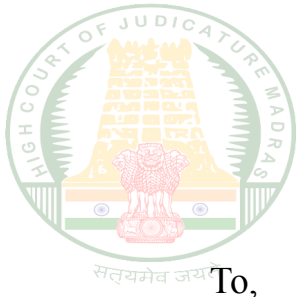
44.It is made clear that if either party resorts to filing unnecessary or frivolous petitions in order to drag on the proceedings, the trial court shall be at liberty to impose appropriate costs and proceed with the matter in accordance with law.

45.In the both civil revision petitions are **dismissed with the above directions.** No costs. Consequently connected Miscellaneous Petitions are closed.

01.10.2026

Index : Yes / No
Internet : Yes / No

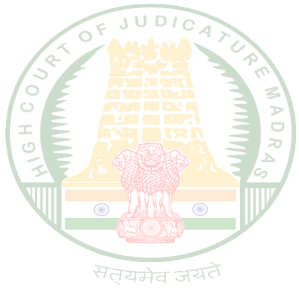
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CRP(MD)Nos.343 and 468 of 2026

To,
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- 1.The Principal Sub Court,
Tirunelveli.
- 2.The Section Officer,
VR/ER Section,
Madurai Bench of Madras High Court,
Madurai.



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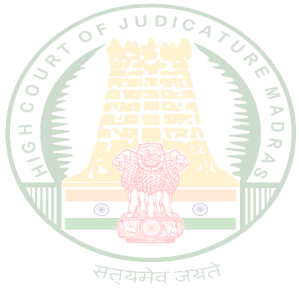
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R.POORNIMA, J.

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