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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2026

CORAM

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CRP No. 1496 of 2023
AND
CMP NO. 8396 OF 2026,CMP NO. 9899 OF 2023

The Church Of Christ Home
for Needy Children and Widows, A Society
registered under the Karnataka Societies
Registration Act, Having reg. office at Chalgatta,
Vemanapuram, Bangalore. Branch office at
No.3/113, Annai Indira Nagar, Shanugapuram,
Chennai, Presently having another Branch office at
Old D.No.17/110, 17/111, New no.17/110,
17/110A1, 17/111, 17/111A, 17/111A3 and
17/118A, Ketti Palada, Nilgiris District.

..Petitioner(s)

Vs

Mount Zion Bible College
and Carter Boys Home. A Society registered under
the Tamilnadu Societies Registration Act. Present
reg. office at Church of Christ, 145-A, Kirubai
illam, Kotagiri. Rep. by its President / chairman
and authorized signatory, A.Masilamani, S/O.
K.V.Andrew, residing at 145-A, Kiribai Illam,
Kotagiri, Nilgiris district.

..Respondent(s)

CMP No. 8396 of 2026

Mount Zion Bible College
and Carter Boys Home.
A Society registered under the Tamilnadu Societies
Registration Act.
Present reg. office at Church of Christ,
145-A, Kirubai illam,
Kotagiri. Rep. by its President / chairman and
authorized signatory,
A.Masilamani,
S/o. K.V.Andrew,

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Residing at
145-A, Kiribai Illam,
Kotagiri,
Nilgiris district.

..Appellant(s)

Vs

The Church Of Christ Home
for Needy Children and Widows, A Society
registered under the Karnataka Societies
Registration Act,
Having reg. office at Chalgatta, Vemanapuram,
Bangalore.
Branch office at
No.3/113, Annai Indira Nagar, Shanugapuram,
Chennai,
Presently having another Branch office at Old
D.No.17/110, 17/111, New no.17/110, 17/110A1,
17/111, 17/111A, 17/111A3 and 17/118A, Ketti
Palada, Nilgiris District.

..Respondent(s)

CMP No. 9899 of 2023

The Church Of Christ Home
for Needy Children and Widows, A Society
registered under the Karnataka Societies
Registration Act, Having reg. office at Chalgatta,
Vemanapuram, Bangalore. Branch office at
No.3/113, Annai Indira Nagar, Shanugapuram,
Chennai, Presently having another Branch office at
Old D.No.17/110, 17/111, New no.17/110,
17/110A1, 17/111, 17/111A, 17/111A3 and
17/118A, Ketti Palada, Nilgiris District. Rep. by its
General Manager, J.John Charles, Having office at
Old D.No.17/110, 17/111, New no.17/110,
17/110A1, 17/111, 17/111A, 17/111A3 and
17/118A, Ketti Palada, Nilgiris District.

..Appellant(s)

Vs

Mount Zion Bible College
and Carter Boys Home. A Society registered under
the Tamilnadu Societies Registration Act. Present
reg. office at Church of Christ, 145-A, Kirubai

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illam, Kotagiri. Rep. by its President / chairman and authorized signatory, A.Masilamani, S/O. K.V.Andrew, residing at 145-A, Kiribai Illam, Kotagiri, Nilgiris district.

..Respondent(s)

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the Fair and Final Order dated 20.01.2023 made in IA.NO.3 of 2020 in OS.NO.62 of 2012 on the file of the District Munsif, Coonoor, The Nilgiris District.

For Petitioner(s): V.Rajesh
N.Narayanaswamy

For Respondent(s): C/v Filed By M/s.A.Arulmozhi
J.S.Babu
P.Subbulakshmi
A.Umar Mohamed
M.Aswath Narendiran For Sole Respondent

ORDER

Unsuccessful defendant has preferred this Civil Revision Petition aggrieved over the order passed for amending the plaint. Originally the respondent / plaintiff has filed the Suit in O.S.No.62 of 2012 on the file of the District Munsif Court at Coonoor, Nilgiris District against the revision petitioner / defendant directing to deliver vacant possession of the suit schedule property to the plaintiff and directing the defendant to pay Rs.500/- as damages for unauthorised occupation to the plaintiff from 27.07.2012 till vacating the suit schedule premises and also cost of the suit.

2. According to the plaintiff / respondent herein, the suit property measuring 2.45 acres comprised in S.No.618/5A, 6183 and 616/,

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R.S.Nos.1097/2, 1098/1, 1036 and 1060 / 1 bearing Old Door Nos.17/110 and 17/111, New Door Nos.17/110, 17/110A1, 17/111, 17/111A, 17/111A3 and 17/118A in Ketti Palada, Nigiris District belonging to the plaintiff, which was given to the defendant society on yearly lease rental basis for a sum of Rs.12 /- dated 01.02.1988. Since the lease period expired in the year 2008, the defendant refused to vacate and therefore, the plaintiff society filed the Suit.

3. The respondent / defendant filed their written statement and denied the execution of the lease agreement and the plaintiff society is not the absolute owner of the suit property and the original title deeds in respect of the suit property were handed over to the defendant, which was confirmed vide resolution of the defendant society dated 15.07.2008. It is also stated that the defendant society has been and is carrying on its welfare activities for the poor needy boys, girls and widows and at present there are 14 elderly people benefited under the care and custody of the defendant.

4. Pending Suit, the President / Chairman of the plaintiff society, namely Mr.A.Masilamani died on 29.04.2020 and therefore, an application in I.A.No.3 of 2020 in O.S.No.62 of 2012 has been filed under Order 6 Rule 17 CPC stating that an executive committee meeting was convened on 17.06.2020 and Mr.D.Samuel Raj had been elected as the President / Chairman of the plaintiff society and therefore, it is necessary to substitute Mr.D.Samuel Raj in the place of Mr.A.Masilamani.

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5. The revision petitioner /defendant resisted the amendment application on the ground that the incumbent D.Samuel Raj, who claims to be the present President / Chairman was not the proper President and the application filed under Order 6 Rule 17 CPC is not maintainable, as the same is premature and the plaintiff / respondent should have filed a petition under Order 22 Rule 10 CPC.

6. On the side of the petitioner / respondent herein / plaintiff, PWs.1 and 2 were examined and 14 exhibits in Exs.P1 to P14 were marked. On the side of the respondent / defendant / revision petitioner no witness was examined and Exs.R1 to R3 were marked. Upon hearing either side, the Court below, vide order dated 20.01.2023, allowed the application on the ground that D.Samuel Raj was appointed as President / Chairman of the plaintiff society. Trial Court is not inclined to go into the question whether the President / Chairman was appointed properly in the present petition as it is a matter to be decided by the District Registrar of Societies, Udhagamandalam and that when the election of D.Samuel Raj as President / Chairman of the plaintiff society is admitted by both sides, mere dispute as to the manner of election cannot be a bar to allow the petition.

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7. The learned counsel appearing for the revision petitioner would submit that the Court below ought to have considered the objections raised by the revision petitioner with respect to the maintainability of the application filed by the respondent under Order 6 Rule 17 CPC, instead of Order 22 Rule 10 CPC. The Court below failed to consider that the incumbent D.Samuel Raj claims to be the elected president by Resolution under Ex.P2, however the Court below failed to appreciate Ex.P7 – wherein the incumbent D.Samuel Raj had been removed even from the membership of the respondent society and therefore, he cannot be allowed to continue the Suit before the Court below. The Court below failed to appreciate the evidence of PW1-former treasurer of the respondent / plaintiff society, in his cross examination admitted that the incumbent D.Samuel Raj had been removed from the basic membership of the society. Hence, the Court below ought to have dismissed the application. Similarly, PW2 had deposed that the incumbent D.Samuel Raj has not been recognised as the President of the respondent society and enquiry was pending on the complaints made against him and therefore, the Court below ought to have dismissed the application.

8. *Per contra*, learned counsel appearing for the respondent / plaintiff would submit that the past Chairman / President A.Masilamani was representing the plaintiff society and the said person died on 29.04.2020 and thereafter, Executive Committee meeting was convened on 17.06.2020 and D.Samuel Raj

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was elected as the President / Chairman of the plaintiff society on the same day by full majority members. In the said meeting, D.Samuel Raj had been authorised to appear before the Court and continue the suit proceedings. The learned counsel would further submit that in pursuance of the order passed by the Court below by allowing the amendment petition, necessary amendment are also been carried out in the plaint, whereas in the affidavit filed by the revision petitioner, it has been stated that the case has been posted to carry out amendment as sought by the plaintiff society. Hence, suppressed the stage of the suit and prayed to dismiss the petition.

9. This Court has considered the submissions made on either side and also perused the entire materials available on record.

10. The revision petitioner / defendant resisted the claim of the plaintiff / respondent on two grounds. Firstly, the incumbent D.Samuel Raj, who claims to be the President / Chairman of the plaintiff society was not properly elected and consequently, the petition under Order 6 Rule 17 CPC should not have been filed and the same should have been filed under Order 22 Rule 10 CPC. Secondly, when the incumbent D.Samuel Raj had been removed even from the membership of the respondent society as per Ex.P7, he cannot be allowed to continue the Suit before the Court below.

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11. At this juncture, it is necessary to consider whether the application filed under Order VI Rule 17 CPC can be rejected solely on the technical ground that the plaintiff ought to have filed an application under Order XXII Rule 10 CPC or not ? If the contention of the revision petitioner is accepted, then the plaintiff would be compelled to initiate another round of interlocutory proceedings by filing an application seeking leave under Order XXII Rule 10 CPC, followed by consequential applications for amendment of the pleadings. Such a course would inevitably result in avoidable procedural delay, multiplicity of proceedings and further postponement of the trial.

12. It is also to be noted that the proposed amendment to the pleading by the plaintiff neither introduces any new cause of action nor alters the nature or character of the suit. It merely seeks to reflect the subsequent event of the death of the earlier president/representative and the appointment of his successor by the plaintiff Society. The procedural law is intended to advance justice and not to impede it. Therefore, this Court finds no justification to interfere with the order of the trial Court merely on the ground that the plaintiff invoked Order VI Rule 17 CPC instead of Order XXII Rule 10 CPC.

13. The second contention raised by the revision petitioner is that the appointment of Mr. D. Samuel Raj as the President of the plaintiff Society is false, fabricated and contrary to the bye-laws of the Society. It is seen from the

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records, Ex.P3- Death Certificate shows that person, who represents the society previously, M. Masilamani, died on 29.04.2020. Also, on perusal of the minutes of the General Body Meeting under Ex.P2 and the Resolution of the plaintiff Society under Ex.P6, which shows that Mr. D. Samuel Raj was appointed as the president and also authorized to represent the society in the civil suit. The main contention of the Revisioner Petitioner is that the signatures found under Ex.P2 and Ex.P6 are fabricated and the meeting did not happen according to the by-laws of the society. This court is of the view that the above contentions cannot be considered by this court n this petition, and the same can be adjudicated before the appropriate forum in the manner known to law. In the light of the above discussions, this Court finds no reason to interfere with the order of the trial court and finds no merit in this petition.

14. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

07.08.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To
The District Munsif Court,
Coonoor, Nilgiris District.

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