

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2012

CORAM

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

S.A.No.1054 of 2001

Muthirayar Educational Society
represented by its President
N.Manimegalai,
Muthirapalayam,
Pondicherry

... Appellant/1st Respondent/Plaintiff

Vs.

1.V.Giridharan ...1st Respondent/Appellant/2nd Defendant

2.The Registrar of Companies,
No.35, Ilango Nagar,
Pondicherry-11.

... 2nd Respondent/2nd Respondent/
1st Defendant

Appeal filed under Section 100 of the Civil Procedure Code against the Judgment and Decree of the Learned Additional District Judge, Pondicherry, in A.S.No.95 of 2000, dated 26.02.2001, in reversing the Judgment and Decree of the Learned II Additional District Munsif, Pondicherry, in O.S.No.374 of 1999, dated 14.07.2000.

For Appellant : Mr.V.Ajayakumar

For Respondents : Mr.S.Y.Masood for R1

Mr.Mrs.N.Mala,
G.P. (Pondy) for R2

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J U D G M E N T

The Appellant/1st Respondent/Plaintiff has focused the instant Second Appeal before this Court as against the Judgment and Decree of the Learned Additional District Judge, Pondicherry, in A.S.No.95 of 2000, dated 26.02.2001, in reversing the Judgment and Decree of the Learned II Additional District Munsif, Pondicherry, in O.S.No.374 of 1999, dated 14.07.2000.

The Complaint scenario:

2.The Appellant/1st Respondent/Plaintiff is a Society, registered under the Societies Registration Act, with Registration No.162/86. The Society has been formed and registered by the founder members with a view to bestow competitive examination for poor students to provide free education to the financially backward people, to provide job opportunities for trained and Under Graduate Teachers, etc. The Appellant/Society, to achieve these objectives, has started a School under the name of 'Muthirayar English School" in the year 1986 itself. The Government has been pleased to recognise the School and admit the school into Grant-in-aid, since it is a maiden attempt in the Educational system in Pondicherry.

3.The school has been started under the Management of the Society by the Teachers themselves. Later, several teachers, who are the Members of the Society left the School seeking better employment and in their places, new members were accommodated and the School and the Society have been running in a reputable manner. The Society has adopted a Bye-Law and Rule III(B) of the Bye-Law provided that the existing founder members shall hold the post of President, Vice-President and Treasurer. The School property in which it is situated, has been purchased by the existing founder members with their money and the property is in the name of the remaining founder members. The Appellant/Plaintiff is the President of the Society and on 30.08.1998, a meeting has been convened at the residence of the Secretary with a view to discuss the future of the School, without any fixed Agenda.

4.In the said meeting, the 1st Respondent/2nd Defendant has started to behave in an unruly manner and prepared a Minute so as to amend the Rule III(B) of the Bye-Law and to make the post of President, Vice-President and Treasurer. Open to all members which has resulted in the amendment of the basic structure of the Bye-Law. When the basic structure of the Bye-Law is amended, it should be circulated along with the particulars 15 days before the proposed meeting. All of a sudden by using force, the 1st Respondent/2nd Defendant and his henchman compelled the other members including the Appellant/Plaintiff to sign the Minutes by force. The Resolution has been submitted from the 2nd Respondent/1st Defendant by the 1st Respondent/2nd Defendant without any authorities and knowledge of the Appellant/Plaintiff and got it registered by including those clauses of which there is no resolution in the meeting. The 2nd Respondent/1st Defendant has a duty to scrutinise Form No.VI of the Resolutions and to register the same. But, the 2nd Respondent/1st Defendant has registered the Resolutions, without verifying the veracity of the amendment as well as the authority of the person, who submitted the

application. Therefore, the entire amendment dated 22.12.1998 is illegal and invalid.

5.The 2nd Respondent/1st Defendant has registered another amendment on the same day registering the name of the President and other Office Bearers, without the knowledge of the Appellant/Plaintiff and also, without informing it. The date of alteration is known as 30.08.1998 in both the amendments. The amendment as regards the Office Bearers cannot have any validity because only after the amendment Rule III(B) is registered, the amendment regarding the Office Bearers can have invalidity, if said there is any. Hence, the amendment registered by the 2nd Respondent/1st Defendant dated 22.12.1998 on fixing the Form No.VI is dated as 30.08.1998 is invalid. The amendment of Office Bearers Form No.VI is submitted only on 22.12.1998, even though the resolution is passed on 03.04.1998. In the resolution dated 03.04.1998, it is specifically stated that the 1st Respondent/2nd Defendant is not assured with any office.

6.The altered position, which is given by the 1st Respondent/2nd Defendant, shows that he himself is declared as the President of the Society. Likewise, the Form No.VI, which is filed for altering Rule III(B) and should have been signed by the President namely the Appellant/Plaintiff, which is illegal. Moreover, the resignation letter of the Appellant/Defendant is not submitted by the 1st Respondent/2nd Defendant which shows that the entire amendment is manipulated by him. So, the amendment called resolution dated 30.08.1998 speaks only of amendment of III(B) and to make the posts of President, etc. Open to all members, whereas the amendment, which is registered mentions that the entire form shall be filled up by the nomination of the members of the governing body for which there is no resolution at all. Hence, the amendment dated 22.12.1998 is illegal.

7.In the circumstance, the Appellant/Plaintiff has laid a Suit praying for the relief of declaration that the amendment dated 30.08.1998 and the registration amendment dated 22.12.1998 are illegal and invalid. Also, the Appellant/Plaintiff has prayed for the relief of permanent injunction restraining the 1st Respondent/2nd Defendant from interfering with the administration and management of the Appellant/Plaintiff Society and the school run by the Society.

The Written Statement Pleas of the 2nd Respondent/1st Defendant:

8.The suit as framed by the Appellant/Plaintiff is not maintainable either in law or on facts. An Educational Society has

been registered with the 1st Defendant under the Societies Registration Act, 1860, in the name and style of 'Mutharaiyar English School Teacher's Association, as per Registration No.162/86 on 04.09.1986, with effect from 27.01.1997. The name of the Appellant/Plaintiff School has been changed as 'Mutharaiyar Educational Society'. The objects of the Appellant/Plaintiff Society as per the amended memorandum of Association filed by the Association in F.No.VI, dated 22.08.1994 runs as follows:

"i)To bestow a Standard and competitive education to the poor children.

ii)To provide free education to the financially backward people.

iii)To provide job opportunities to the trained/under Graduate teachers.

iv)To render adult and Non-formal education to the pupil of this area.

v)To safeguard the rights and the privileges of the self-employed teachers.

9.Clause III(B) of the Amended Rules and Regulations of the Society filed by the Society in F.No.VI, dated 22.08.1994 reads hereunder:

"The founder Members shall be the President, Vice-President, and the Treasurer of the Society and the School. These three posts shall be permanent and they shall hold the post till they resign nor impeached by 2/3 majority. The post of Secretary shall be filled by nomination from time to time by the President in consultation with the Vice-President and the Treasurer."

10.On 22.12.1998, the Society filed two F.No.VI one for amendment of Clause III(B) of the Rules and Regulations made 30.08.1998, which is as follows.

"The founder Members and other Members of the Society are eligible to be elected to any of the post of the Governing Body and they shall hold the office for 2 (two) years. Interim vacancies if caused shall be filled up by nomination from among the members of the Governing Body."

11.The Society has filed another F.No.VI for appointment of new office bearers as per resolution passed on 03.08.1998. As seen from the copy of the Minutes, it is evident that the following persons have been elected.

1.Sri V.Giridharan, President

2.J.Santhi, Vice-President

3.Smt.V.Saraswathi, Treasurer

12.The 2nd Respondent/1st Defendant is not aware whether any force has been exercised by the 1st Respondent/2nd Defendant using force on the other members to compel them to sign the Minutes. The suit is bad for non-joinder of necessary parties namely the members of the society, who signed the resolution.

13.There is no cause of action for the Appellant/Plaintiff to file a suit against the Defendant. Further, the suit is not maintainable in view of the non-compliance of Sections 79 and 80 of the Code of Civil Procedure by the Appellant/Plaintiff.

14.A detailed reply has been sent to the Appellant/Plaintiff for the Lawyer's notice dated 08.02.1999 on behalf of the Appellant/Plaintiff on 19.02.1999.

15.As per the provisions of the Societies Registration Act, the 2nd Respondent/1st Defendant is duly bound to register the Society if it complies with all the requirements as per law and in case of dispute between the members and Society, the same should be solved either by themselves or through competent Court. The 2nd Respondent/1st Defendant is neither a necessary party nor a proper party to the proceedings. Hence, the suit is bad for mis-joinder of parties.

The Written Statement Pleas of the 1st Respondent/2nd Defendant:

16.It is not true that the Appellant/Plaintiff is the President of the School as mentioned in the Plaint. The School has been established in the name and style of the Muthirayar English School during the year 1986. Before establishing the School, a Society has been formed with seven members as per Law. The said seven members are qualified teachers and with the bona fide intention of providing education for the poor boys and girls, the Society decided to start

the School. The said Society has been registered by the 2nd Respondent/1st Defendant during the year 1986. The Memorandum of Articles along with the Bye-Laws have been perused and verified and found correct by all the members. Since it has been framed according to law, the Society has been duly registered on 04.09.1986.

17.From the date onwards, the said charitable purpose has been carried out.The four members viz., (1)R.Shanmugam (2)L.Tamizharasi (3)N.Manimegalai (4)V.Saraswathi have purchased four plots and constructed a School in the said plots and obtained necessary permission from the concerned departments to run the School. In the beginning, the School has strength of teachers to teach the students, has been eight in number. The School developed from its primary stage and then, it has been raised to High School stage. Now, during the year 1998, the strength of the School has given up to 400 approximately.

18.The Appellant/Plaintiff has functioned as President from 04.11.1993 to 29.08.1998. The Appellant/Plaintiff wilfully suppressed the true events created by her for the collapse of the reputation of the School itself. During the year 1998, when there is no permission for running 9th and 10th Standard and when no steps have been taken by the then President for obtaining licence for conducting SSLC Examination, the Appellant/Plaintiff admitted students for the 9th and 10th Standard without obtaining permission for conducting 9th and 10th Standard and to allow the students to appear for the SSLC examination. Without doing so, the Appellant/Plaintiff, who was the then President acted arbitrarily and against all rules and even without appreciating serious consequences of her such unlawful conduct, admitted the students for the 9th and 10th Standards representing falsely that she had obtained necessary permission from the Education Department, Government of Pondicherry.

19.Moreover, the innocent and ignorant village people have been made to believe by the Appellant/Plaintiff's false representation that the said School has been running with due permission to make the Students to appear for the SSLC Examination. Thus, the Appellant/Plaintiff as the President of the School deliberately uttered falsehood and admitted the poor and the innocent students to 9th and 10th Standards. At that time, during the year 1998, when the Students are to write the SSLC Examination, they could not get the Hall Tickets. A group of parents along with some 500 villagers gathered together and questioned the Appellant/Plaintiff for her unlawful activities and for disappointment of the students and also for spoiling their future. The Appellant/Plaintiff collected examination fees from the students with an intention of misappropriating the collections. After witnessing the agitation of the people and the students, who cried against the illegal activities of the Appellant/Plaintiff, they have been ready to cause any danger to her life. At that time, she requested the 2nd Defendant and other

members to safeguard her life. The Appellant/Plaintiff is a qualified teacher, who passed B.A.,B.Ed. Unfortunately, she has adamant and arrogant qualities. All the members along with the students thereafter have been forced to cry for help before the Government and for the future welfare of the students. The Government has been moved and allowed the Students to write the SSLC Examination, which has been initiated by the 2nd Defendant.

20.The Appellant/Plaintiff by herself has come forward to resign her status, as the President of the School in order to safeguard her live and properties, since she has collected all the School Fees and donations amounting to Rs.2Lakhs. As a matter of fact, the Appellant/Plaintiff requested the 1st Respondent/2nd Defendant to run the School, since the conditions of the School is so bad, poor and precarious. She could not manage the crowd. Under those circumstances, the 1st Respondent/2nd Defendant has been nominated as the President of the School according to the Bye-Laws. The Appellant/Plaintiff is not having any status in the School so as to question anybody about the running of the School. In the minutes, the Appellant/Plaintiff herself has written all the facts of the case and signed her name as if she has consented wholeheartedly for the nomination of the 2nd Respondent as the President of the School and for the necessary amendment of Bye-Laws. By the majority of the specified members, all the six members unanimously passed the Resolution and the 2nd Defendant has become the President and Bye-Law III(B) has been duly amended. The Resolution No.3 has been passed on 30.08.1998 to the effect that 'in the Muthirayar Educational Society, as per Bye-Law III B, apart from the founders, any member of the Society can hold any post and the said post will be changed once in two years and accordingly, the Resolution has been passed unanimously. Therefore, the appointment as well as the amendments have been made within the limits and the authorities of the Bye-Laws and the 2nd Respondent/1st Defendant registered the same as per Law.

21.The 1st Respondent/2nd Defendant does not admit that he violated the Bye-Laws. The Appellant/Plaintiff has no right to question the status of the 1st Respondent/2nd Defendant as the President of the School. Further, he does not admit that the Appellant/Plaintiff has not been given any notice before passing the Resolution. The Appellant/Plaintiff's grievance that when the basic structure of the Bye-Law has been amended, there should be circulated along with the particulars 15 days before the proposed meeting, is not at all true. It is created for the purpose of the suit.

22.The Appellant/Plaintiff failed and neglected to implead all the members, who are the founders of the Institution and who are responsible for the appointment of the 1st Respondent/2nd Defendant and the amendment of the Bye-Law III(B). The 1st Respondent/2nd Defendant acted according to the Bye-Laws and has done everything for the upliftment of the poor students and in general for the welfare of the

School. The 1st Respondent/2nd Defendant is entitled to file criminal complaint against the Appellant/Plaintiff.

23.The plots are only in the name of the joint members of the School. It is not true to state that the aforesaid four plots are in the name of the remaining founder members. The Appellant/Plaintiff has removed some of the original documents belonging to the Institution while she has been in power. She is not entitled to any relief of injunction which is only on equitable relief. There is no prima facie case and the balance of convenience is not at all in favour of the Plaintiff. She has resigned her job voluntarily and wholeheartedly. Therefore, the Appellant/Plaintiff has not changed her mind and come to this Court with unclean hands after suppressing true facts.

24.The cause of action is bad in law. Nothing happened on 03.04.1998. What happened on 03.08.1998 and 22.12.1998 are according to law and the Appellant/Plaintiff can not question the events that has taken place on these dates. She is not entitled to invoke Section 25(d) and 27(c) of the Pondicherry Court Fees and Suit Valuation Act, 1972.

25.Before the trial Court, in the main suit, 1 to 5 Issues have been framed for adjudication. On the side of the Appellant/Plaintiff, Witness PW1 has been examined and Ex.A.1 to Ex.A.5 have been marked. On the side of the 1st Respondent/1st Defendant, witness DW1 has been examined and Ex.B.1 to Ex.B.5 have been marked.

26.The trial Court, on an appreciation of entire oral and documentary evidence available on record, has come to a resultant conclusion that the amendment dated 22.12.1998 is illegal and invalid, in regard to the amendment of Rule III(B) and the amendment of the Office Bearers and further held that the suit has been properly valued and correct Court Fees has been paid by the Appellant/Plaintiff. Moreover, it held that the suit is not bad for non-joinder of necessary parties. Also, it held that the Appellant/Plaintiff has not established that the 1st Respondent/2nd Defendant has threatened her by force and coercion etc., and finally, decreed the suit with costs by holding that the Appellant/Plaintiff is entitled to obtain the relief of declaration that the amendment dated 30.08.1998 and the Registration of the Amendment dated 22.12.1998 are illegal and invalid. Further, it granted the relief of permanent injunction restraining the 1st Respondent/2nd Defendant from interfering with the administration and management of the Appellant/Plaintiff Society and the School run by the Society.

27.The 1st Respondent/2nd Defendant, being aggrieved against the Judgment and Decree of the trial Court in O.S.No.374 of 1999 dated

14.07.2000 has preferred A.S.No.95 of 2000 before the Learned Additional District Judge, Pondicherry.

28.The First Appellate Court viz., the Learned Additional District Judge, Pondicherry, while delivering the Judgment in A.S.No.95 of 2000 on 26.02.2001, has held that PW1 N.Manimegalai, being the party to the Resolution passed in the executive meeting dated 30.08.1998 will bind her and further opined that the amendment dated 30.08.1998 and the Registration of the amendment dated 22.12.1998 are not illegal and invalid and accordingly, allowed the Appeal A.S.No.95 of 2000 without costs, by setting aside the trial Court Judgment and Decree dated 14.07.2000 in O.S.No.374 of 1999.

29.At the time of admission of the Second Appeal, this Court has formulated the following Substantial Questions of Law for determination.

"(1)Whether assumption of Presidentship by the 1st Respondent is valid before amendment of Rule III (B)?

(2)Whether the amendment and alteration of the amendment is valid under Section 4-A(6) or not?

(3)What is the effect of Section 4-A(6) in case, where the amendment was not sent to the Registrar within 15 days?"

The Contentions, Discussions and Findings on Substantial Questions of Law No.1 to 3:

30.According to the Learned Counsel for the Appellant/Plaintiff, the main point for consideration is that whether the amendment of Rule III(B) of the Bye-Law of the Society is illegal or not and in this regard, the trial Court has rightly held that the amendment as well as the Registration of the amendment are illegal or invalid.

31.The Learned Counsel for the Appellant/Plaintiff urges before this Court that the First Appellate Court has not considered the question whether the appointment of the 1st Respondent/2nd Defendant as President of the Society gets validated before the amendment of the Rule III(B) of the Bye-Law is complete and indeed, the said Bye-Law of the Society mentions that 'the founder-members shall be the President, Vice-President and Treasurer of the Society.

32.According to the Appellant/Plaintiff, the founder members of the Society is entitled to keep key posts, because they have been purchased the property of 7,200/- sq.ft. of land and have established and the School has been brought into the present position with their own blood and sweating. Further, the new teachers, who joined in the School have not contributed anything to the starting and development of the School and as such, the founder members are entitled to hold the post of President, Vice-President and Teachers. But, these factual aspects have not been appreciated by the First

Appellate Court in proper and real perspective, which has resulted in serious miscarriage of Justice.

33.The Learned Counsel for the Appellant/Plaintiff projects an argument that unless and until the Rule III(B) is amended the appointment of the 1st Respondent/2nd Defendant will have any effect at all in law.

34.That apart, the Learned Counsel for the Appellant/Plaintiff contends that the meeting held on 30.08.1998 has resolved to amend the Rule III(B) of the Bye-Laws of the Society and it is only a decision to amend the Rule, but, the said amendment has not been considered in the meeting. In fact, the Learned Counsel for the Appellant/Plaintiff submits that there would have been another meeting in the text of the amendment ought to have been discussed and then only, the amendment will have effect and a mere decision to amend Rule III(B) will make the entire rule as an invalid one.

35.The Learned Counsel for the Appellant/Plaintiff contends that the text of the amendment ought to have been circulated along with the Agenda 15 days from the meeting and the meeting held on 30.08.1998 has resolved to amend the Rule III(B). But, the text of the amendment has not been discussed. However, this crucial aspect of the matter has not been appreciated by the First Appellate Court in a proper manner.

36.The Learned Counsel for the Appellant/Plaintiff submits that Section 4-A(6) of the Registration of Societies Act of Pondicherry provides that any amendment shall be registered within 15 days from the date of amendment and in reality, the said amendment has not been sent to the 2nd Respondent/1st Defendant even though the amendment purported to be effected on 30.08.1998 and the amendments have been submitted only on 22.12.1998 to the 2nd Respondent/1st Defendant.

37.The Learned Counsel for the Appellant/Plaintiff contends that the First Appellate Court should have declared that the meeting held on 17.12.1998 in which five members attended the meeting and a resolution has been passed to submit Form No.VI regarding the alteration of the Rule III(B) to the Registrar of Societies. Added further, eventhough a decision to amend the Rule III(B) has been taken on 30.08.1998, actually the amendment has been discussed in the meeting held on 17.12.1998, in which the Appellant has not been invited. Moreover, the amendment as well as the registration followed on the basis of the Resolution dated 17.12.1998 is illegal because the actual amendment has taken place only in the meeting held on 17.12.1998. Therefore, the entire amendments are violative of the Bye-Laws and therefore, it is invalid.

38.Yet another submission of the Learned Counsel for the Appellant/Plaintiff is that the meeting has been convened by the 1st Respondent/2nd Defendant, with no fixed Agenda being prescribed and further, no notice or copy of the Agenda has been issued and the meeting has not been convened by the Appellant/Plaintiff, who has been perforced to attend the meeting. But, these important factual aspects of the matter have not been taken into consideration by the First Appellate Court in a realistic fashion.

39.The Learned Counsel for the Appellant/Plaintiff contends that in the instant case on hand, no fine has been levied and therefore, the amendment as well as the registration are illegal and invalid.

40.Continuing further, the Learned Counsel for the Appellant/Plaintiff takes a plea that even if the Appellant/Plaintiff has resigned her post the resignation is not having any validity at all in view of the Rule III(B) and that the Appellant/Plaintiff continued to be the President, but, this has not been taken into account by the First Appellate Court.

41.To appreciate the rival contentions of the parties, this Court refers to the evidence of PW1 and DW1.

42.PW1 (Appellant/Plaintiff) in her evidence has deposed that she is the President of the Muthirayar Educational Society, which has been registered during the year 1986 and at the time of registration of the Society, there are four founder members and three executive members and the object of the society has been to provide jobs to unemployed Graduates and to provide education to poor children and on behalf of the Society, four plots have been purchased and in the year 1993, a founder member Shanmugam has made an exit from the Society and some other executive members have also left the society because they secured jobs and they have filled up the vacant posts by appointing other members.

43.PW1 has further stated in her evidence that during 30.08.1998 to discuss about the future of the School, a meeting has been convened at the residence of the Secretary and there is no connection for the meeting held and the meeting to be held, but, she attended the meeting and no one talked about anything and the 2nd Defendant informed her that it is the desire that in the Parent Teachers Association only a male person can be the head and therefore, you may vacate the post of President

44.PW1 adds in her evidence that the 2nd Defendant asked her to submit her resignation letter and she has not submitted her resignation and she has been forced to write the Minutes proceedings and she has written the Minutes as directed by them and she has not recorded the Minutes voluntarily and Ex.A.1 is the proceedings of the

meeting dated 30.08.1998 (which has been written on account of compulsion) and in that the terms, Office bearers have been altered and Rule III(B) has been altered and also on 03.04.1998 and in between the meeting held on 30.08.1998 and in the meeting that has taken place on 03.04.1998 many members have been changed, but, they have not functioned and since, the members have not changed the office bearers, the office bearers, who are holding the position prior to 03.04.1998, continued to act and on 03.04.1998, the meeting proceedings have been submitted to the Registrar of Companies on 22.12.1998, which is marked as Ex.A.2 and as per Rule III(B), the founder Members will have to hold the post of President, Vice-President and Treasurer permanently.

45.Ex.A.3 is the description of alterations of Rule III(B). Ex.A.4 is the Lawyer's notice issued in respect of the amendment of Rule III(B) for which Ex.A.5 is the reply sent by the Registrar of Companies advising PW1 to approach the Court and to seek remedy thereto and that she has filed the Suit praying for the relief of declaration that Rule III(B) is invalid and also, sought the relief of permanent injunction, restraining the 2nd Defendant from interfering with the affairs of the Appellant/Plaintiff School.

46.PW1 (in his cross examination) has deposed that even today, she is the President of the Plaintiff School and she is not in a position of the 1998 Bye-Law and she has not made Tamizharasi as President and the signature in Ex.B.1 Minutes Book at Page 51 is a signature and that she has resigned the position of School Headmaster and she denies that the majority members have signed for amendment of the Bye-Law and Bye-Law can be altered, but, the manner in which the Bye-Law can be altered is not correct and she does not know that the 2nd Defendant is the President of the new administration of the Appellant/Plaintiff School and after December 1998 namely after filing of the suit, she has come to know that the 2nd Defendant is the President and at the time of starting of the Appellant/Plaintiff Society, School articles have been purchased for starting the School, by founder four members and the property stands in the name of the School and it does not stand in the name of the separate individual.

47.DW1 (2nd Defendant) in his evidence has deposed that before 30.08.1998, the Appellant/Plaintiff has been the Headmaster of the School and also, he remained as the President and his qualification is B.A.,B.Ed., and further, his qualification is M.A.,B.Ed., and presently, he is the Administrator and Teacher of the Appellant/Plaintiff School and on 30.08.1998, the Appellant/Plaintiff has resigned the post hold by him and till date, he is holding the post of President and on 30.08.1998, the meeting has taken place in the house of Administrative Secretary Lakshmana Sami and for the conduct of the said meeting, the President Manimegalai has given a call and six persons have attended the said meeting and normally, the Administrative Committee Meeting will be held at the School complex.

48.The evidence of DW1 proceeds to the effect that the reason for not conducting the Administrative Committee Meeting on 30.08.1998 at the School complex is because of the fact that the parents have created problems, because of the fact that the Appellant/Plaintiff without getting Government permission has admitted the students to the 9th and 10th Standards and that for 10th Standard students to write the examination, Hall Tickets have not come and that the Appellant/Plaintiff has received money from the students for writing the examination and since the Appellant/Plaintiff has received the exam fees without obtaining permission and also, Hall Tickets have not come, the parents have raised their voices and the Parents Teachers Association representatives passed a Resolution that the Appellant/Plaintiff should not be an Administrator of the School and since all the Parents and Teachers Association representatives decided that he should become the President, the Appellant/Plaintiff has left with no other options, but to convene the meeting and the Appellant/Plaintiff brought forward an amendment, by saying that you should become the President and on everybody concerned, he has been made as President and he met the Education Minister enabling the students to write the exam.

49.Further, DW1 in his evidence has deposed that the Appellant/Plaintiff has appointed him as President and as per Bye-Law 9(A), an application has to be filed by the Executive Body and the Appellant/Plaintiff cannot come to Court and Ex.B2 is the Administrative Committee's Resolution dated 30.08.1998 and that Ex.B.3 is the letter accepting the amendment sent to the Registrar of Companies and it is not correct to state that the Appellant/Plaintiff has been threatened and a signature has been obtained and after resigning the post, the Appellant/Plaintiff has prayed for leave and that is Ex.B.4 letter dated 10.07.2000 and the Appellant/Plaintiff's resignation letter dated 15.09.1998 is Ex.B.5 (which is written by the Appellant/Plaintiff).

50.DW1 (in his cross examination) has deposed that he has not filed the notice copy of the meeting and in the meeting held on 30.08.1998, N.Manimegalai, Tamizharasi, J.Santhi, Lakshmana Sami, himself and V.Saraswathi have taken part and the others have not attended and the Resolution dated 30.08.1998 has been sent to the Registrar of Companies only during December and due to the administrative reasons, the delay has occurred.

51.In Ex.A.1 certified copy of Form No.VI, dated 30.08.1999 of the Appellant/Plaintiff Society, the description of alterations in Memorandum regulations is mentioned as follows:

Date of Alteration (1)	Previous Position (2)	Altered Position (3)
30.08.1998	III.B.The founder members shall be the President, Vice-President of the society and the School. These three posts shall be permanent and they shall hold the post till they resign or impeached by 2/3 majority. The post of Secretary shall be filled by nomination from time to time by the President in consultation with the Vice-President and Treasurer.	III.B.The founder memebtrs and the Other members of the society are eligible to be electd to any of the posts of the Governing body, and they shall hold the office for 2 (two) years. Interim Vacancires, if caused shall be filled up by nomination from among the members of the Governing body.

52.A perusal of Ex.A.1 Certified copy of Form No.VI dated, 30.08.1998, shows that in the Administrative Committee Meeting of the Appellant/Plaintiff Society dated 30.08.1998, eight Resolutions have been passed and including the Appellant/Plaintiff N.Manimegalai and six others have been attended the meeting. The 1st Resolution passed on 30.08.1998 speaks of the acceptance of the resignation of the Appellant/Plaintiff N.Manimegalai. The 2nd Resolution refers to the 2nd Defendant being appointed as new President of the Appellant/Plaintiff School, based on the request of the Parents Teachers Association.

53.The 3rd Resolution of the Appellant/Plaintiff Society relates to the amendment of Bye-Law III(B) of the Appellant/Plaintiff Soccity in and by which any member of the Society can hold any post and this post can be altered once in two years and that is also been accepted unanimously through the Association.

54.The Resolution No.6 speaks of the appointment of J.Santhi as Vice-President of the Appellant/Plaintiff Society since V.Saraswathi, who held the post of Vice-President, has resigned and this has been accepted by the Administrative Committee unanimously. The Resolution No.7 speaks of incharge of persons being changed to meet out administrative facility. The Resolution No.8 speaks of the next meeting to be convened on 06.09.1998.

55.Ex.A.2 is the certified Copy of Form No.VI dated 22.12.1998 of the Appellant/Plaintiff Society wherein the seven persons, who held the positions previously, have been changed and some new members have been appointed. The xerox copy of the Resolutions 1 to 5 shows that some persons have been newly selected and appointed and further, it is also mentioned that the administration of the School will be discussed once in six months and significantly, the Resolution No.7 speaks of the School administrative Income and Expenditure Accounts to be intimated to the Society before the end of the month and it has been decided unanimously in this regard.

56.Ex.A.3 is the certified copy of the Bye-Laws of the Appellant/Plaintiff Society dated 14.04.1994. Ex.A.4 is the Appellant/Plaintiff Lawyer Notice dated 08.02.1999, addressed to the 1st Defendant/Registrar of Companies, Pondicherry. In Ex.A.4 notice, the Appellant/Plaintiff has through her Lawyer called upon the Registrar of Companies, Pondicherry, to cancel the incorporation of the amendment dated 22.12.1998 in the Bye-Law of the Appellant/Plaintiff Society, with Registration No.162/1986, amending Rule III(B), within a period of seven days, from the date of receipt of the notice, etc.

57.Ex.A.5 is the reply of the Registrar of Companies, Pondicherry, addressed to the Appellant/Plaintiff's Lawyer, wherein it is among other things mentioned that the Appellant/Plaintiff may initiate such legal action as you may deem fit against the 2nd Defendant and also, it is stated that it is for the parties concerned to settle the dispute by approaching the Court of competent jurisdiction.

58.Ex.B.1 is the original Minutes Book dated 10.07.2000. Ex.B.2 is the copy of the Minute Book of the Administrative Committee of the Appellant/Plaintiff Society. As per Ex.B.3, the altered position of the Memorandum of Articles is that as per Bye-Law III(B), 'the founder Members and the other members of the Society are eligible to be elected to any of the posts of the Governing body and they shall hold the office for 2 (two) years. Interim vacancies, if caused, shall be filled up by nomination from among the members of the Governing body.'

59.Ex.B.5 is the original letter of N.Manimegalai, Headmistress of the Appellant/Plaintiff School, addressed to the Secretary of the School, in and by which she has wished to resign from the post of Headmistress of the Appellant/Plaintiff School with effect from 15.09.1998 and also, she has requested for resignation letter being accepted and further, she may be relieved from her post of Headmistress with effect from 15.09.1998.

60.At this juncture, the Learned Counsel for the 1st Respondent/2nd Defendant submits that the non communication of

amendment of Bye-Law to the Authorities concerned, within the particular period will not invalidate the resolution and to lend support to his contention, he relies on the decision Sri Sanatan Dharam Sabha and another v. The Registrar, Firms, Societies and Chits, U.P., Lucknow and others, AIR 1989 ALLAHABAD 189, wherein it is mentioned as follows:

"The statute is meant for the proper functioning of a society and provisions are made to see the benefit which accrues to the said society are not whittled out and a statute is to be interpreted to give benefit to the subject for which it has been enacted. In fact, it is in cases where on account of default the very purpose is defeated and penal consequence is provided for and such a statute is to be read as mandatory in nature. It is not in all cases where penalty is provided, it is neither on account of merely of penal consequences provided for or use of word "shall" could lead to a conclusion that a particular statute is mandatory in nature. Section 4-A to the extent, it requires a resolution to be communicated within a specified period if not communicated within such a period cannot lead to invalidate the said resolution. If such a provision is made as mandatory then mere mischief of one, who is authorised to communicate, by delaying within the said period would frustrate the action of the whole general body, which could not be the intention of the Legislature. Therefore, the finding of the Deputy Registrar, that the election held as per the amended bye-laws was invalid on account of the resolution dated amending the bye-laws was not communicated to the authorities within thirty days cannot be upheld."

61. In law, the status of a Society registered under the Societies Registration Act is more like that of a club or a joint-stock company. A Society can own property as per Section 5 of the Societies Registration Act, 1860. The members of the Society or the members of the governing body do not have any beneficial interest or proprietary in the property held by the Society. In case of dissolution of the Society, no interest in the property can be claimed by the members of the Society or the persons, who manage the Society either in the name of managing committee or governing body, as the case may be. After all, the members of the Society are entitled to the right of management of the property of the Society, of course, subject to conditions specified.

62. As per Section 6 of the Societies Registration Act, 1860, a Society registered under the Act, can sue or be sued in the name of President, Secretary or other proper Officer of the Company. A Society soon after its registration comes into existence as a registered Society. Originally, it may have properties of its own. Although legal title in the properties may lie in the hands of

Trustees or the Board of Governors, yet the equitable title vests in the Society.

63.This Court aptly points out the decision Kowtha Suryanarayana Rao v. Patibandla Subrahmanyam and others, A.I.R. 1940 Madras 902, wherein it is held as follows:

"It is a well established principle that, provided that the acts of the management are within the powers of the society itself any dispute between individual members of the society and those responsible for its management must be decided by the machinery provided by the rules and not in a Court of law. It is only when an act is ultra vires the society that a member is entitled to come to a Civil Court and have the act of the management which is ultra vires declared to be void."

64.A Society is a legal entity capable of suing and being sued in its own name as per decision Satyavart Sidhantalankar and others v. Arya Samaj, Bombay, A.I.R. (33) 1946 Bombay 516. Further in the aforesaid decision at Page 517, it is held that the defendants were made defendants in a capacity different from that of the members of the society who were within the description of plaintiffs, and there was no defect in the frame of the suit by reason of their having been included in the category of the plaintiffs as the members of the society claiming relief against the defendants in their capacity as the members of the managing committee thereof."

65.At this stage, this Court worth recalls the decision Scientific Poultry Breeders' Association, Ltd., In re., (1933) Ch 227 : (1933) 3 Com Cases 89 (in the Court of Appeal), wherein it is held that 'an alteration must only be in relation to objects, or of some provision pertaining to the manner in which the company may carry out its objects.'

66.In K.G. Khosala Compressors Ltd., Re, (1998) 91 Com Cases 546, where two share holders of a company contested the validity of the special resolution on the ground that they had not received any notice, their objection was ignored because they were holding shares jointly with another and that other had attended the meeting.

67.A wide power is given to the Company Law Board to confirm the alteration either wholly or in part and on such terms and conditions as it might think fit. A resolution for alteration could be confirmed only if there is satisfaction that it is in the interests of the Society.

68.In Goneshberi Tea Co. P Ltd., In re, (1964) 34 Com Cases 556, 565 (Cal), it is observed and held that "if the shareholders of the company after considering all relevant factors are of opinion that by making contributions to Labour Welfare Funds they would satisfy

various aspirations of the workers and ensure smooth running of the company, it would not be proper for the Company Law Board to impose its own view on them."

69. In *Ugar Sen Parsotam Das v. Chamber of Commerce, Hapur*, (1936) 6 Com Cases 402, 407, it is held that "the Company Law Board would have jurisdiction to recall an erroneous order confirming alterations."

70. In *Greenhalgh v. Arderne Cinemas*, (1950) 2 All ER 1120 (CA), it is held that "a share holder has no right to assume that his company's articles would always remain in a particular form and he cannot object to an alteration as fraudulent provided it was passed bona fide and did not unfairly discriminate."

71. In *Hari Chandana Yoga Deva v. Hindustan Co-op. Insurance Society Ltd.*, AIR 1925 Cal 690, it is held that "all members become bound by a valid alteration whether they voted for or against it."

72. The power of alteration of Bye-Laws must be exercised bona fide for the benefit of the Society as a whole.

73. In *Halsbury's Laws of England*, 381 Para 554 (Vol.7(1)4th Edn., Reissue, 1988), it is summarised as follows:

"Any alteration must be made in good faith for the benefit of the company as a whole, that is, of the corporators as a general body. Subject to this, articles may be freely altered. It is for the shareholders and not the court to determine whether or not the alteration is for the benefit of the company and the court will not readily interfere with an alteration made in good faith unless it is of such a character that no reasonable person could have regarded it as made for the benefit of the company. The alteration may affect the rights of the member as between himself and the company by retrospective operation, since the shares are held subject to the statutory power of altering the articles."

The points which emerge from the above cases can be usefully listed in terms of the following propositions.

(1) It is not necessary to show to validate an alteration that a particular member will get some benefit out of it, but it would be necessary to show that the alteration is needed for the equal good of the members as a whole and that the burdens and benefits of the alteration will fall upon all the members alike.

(2) The alteration should not discriminate between members by conferring privileges on some and depriving others of their rights e.g. depriving members of their pre-emptive rights or

increasing their liability. A member may, however, be subjected to a sacrifice if it is for the good of the organisation e.g. expelling a member and acquiring his shares at a fair value if his personal competing business is causing harm to the company.

(3) All majority powers have to be exercised in absolute good faith for the benefit of the organisation as a whole, but good faith is not lost merely because the alteration operates to the disadvantage of some members."

74. In *Gothami Solvent Oils Ltd. v. Mallina Bharathi*, (2001) 105 Com Cases 710, it is observed that "an alteration of articles for the purpose of providing that the shares of an expelled member would be compulsorily transferred against the wishes of some of the existing members, or even against his wishes and without his signature, was held to be valid exercise of the power of alteration."

75. The expression "for the benefit of the company as a whole means for the benefit of the shareholders as a general body. Its effect should not be such as to discriminate between the majority shareholders and the minority shareholders so as to give the former an advantage of which the latter are deprived." There must also be honesty in what is being done, as per decision *Greenhalgh v. Arderne Cinemas*, (1950) 2 All ER 1120 (CA).

76. In short, in a suit filed against the registered Society, the Office Bearers of the Society can validly represent and in law, there is no impediment or obstacle, as opined by this Court.

77. The main grievance of the Appellant/Plaintiff is that the 1st Respondent/2nd Defendant has started to behave in an unruly manner in the meeting of the Appellant/Plaintiff Society, held on 30.08.1998 and further, he has prepared a Minute so as to amend the Rule III(B) of the Bye-Law and to make the post of President, Vice-President and Treasurer. Open to all members which has resulted in the amendment of the basic structure of the Bye-Law. Also, the Appellant/Plaintiff has taken a stand that when the basic structure of the Bye-Law is amended, it should be circulated along with the particulars 15 days before the proposed meeting. In Ex.A.4 Lawyer's notice, dated 08.02.1999 (issued on behalf of N.Manimegalai, President and founder Member of the Appellant/Plaintiff Society), addressed to the 1st Defendant, it is mentioned that the Rule III(B) of the Bye-Law specifically provides that only the founder members can be only the President, Vice-President and Treasurer of the Society. Further, if at all the amendments are presumed to be valid, incorporation of the name of the 2nd Defendant as President can be made only after the said amendment. Therefore, the entire amendment and the incorporation of the names of the Office bearers is illegal and invalid.

78. That apart, in Ex.A.4 Lawyer notice dated 08.02.1999, it is further mentioned that 'as per the provisions of the Bye-Law, nothing can be done by any member without the consent and knowledge of the President and founder Member. Moreover, prior to the said amendments, as a founder Member and the President of the Society N.Manimegalai is entitled to put on notice and she continues to be the President till the so called amendment on 22.12.1998, if at all it is valid.

79. In the Written Statement filed by the 1st Respondent/2nd Defendant, it is mentioned that "the appointment as well as the amendments were made within the limits and the authorities of the Bye-Laws and that the 2nd Respondent/1st Defendant registered the same according to law."

80. In Ex.B.4 Letter dated 03.09.1998, N.Manimegalai, Headmistress of the Appellant School, addressed to the Correspondent of the School as prayed for sanction of leave for 15 days from 31.08.1998 on EL basis, on the ground that she has been suffering from fever. Further, she has undertaken to produce the Medical Certificate when she joins duty. In Ex.B.4 letter dated 03.09.1998, in the note, it is mentioned as "31.08.1998 to 02.09.1998 these days also treated as EL".

81. In Ex.B.5 Resignation Letter of N.Manimegalai (from the post of Headmistress), she has stated that she wished to resign from the post of Headmistress of the Appellant/Plaintiff School with effect from 15.09.1998 and also, prayed that this resignation letter may be accepted and she may be relieved from the post of Headmistress with effect from 15.09.1998. A perusal of Ex.B.3 Form No.VI filling of alteration of the Memorandum of the Regulations of Bye-Law of the Society shows that the Appellant/Plaintiff Manimegalai and the founder members have signed. As such, it cannot be said by any stretch of imagination that without the knowledge of the founder members of the Society, the amendment cannot be brought into force. At this stage, this Court pertinently points out that the evidence of PW1 (Manimegalai) unerringly points out that the Resolution relating to alteration has been passed on 30.08.1998 and she has also signed in the same. Furthermore, she herself has prepared a Minute of the meeting dated 30.08.1998. As such, the averment is that the 1st Respondent/2nd Defendant has compelled or forced the other members including the Appellant/Plaintiff to sign the Minutes by force etc., has not been established by the Appellant/Plaintiff, as opined by this Court and accordingly, the point is so answered.

82. Even though there is no fixed Agenda for the amendment in the Executive Committee meeting dated 30.08.1998 held at the residence of Secretary as alleged by Appellant/Plaintiff, yet, in law any other subject can be taken up for consideration. Also that, the Bye-Laws of the Society, does not contemplate anywhere for issuance of 15 days prior notice before the amendment. As per Clause (9) of the

Appellant/Plaintiff Society's Bye-Laws to amend the rules and regulations, the consent and approval of the members of the Executive Body is required and this has been done. Another resolution as seen from Ex.A.2 indicates the confirmation as well as the altering of the previous resolution dated 30.08.1998.

83. According to the Appellant/Plaintiff, there are seven members for the Appellant/Plaintiff Society. PW1 N.Manimegalai is a party to the Resolution passed in the Executive meeting, dated 30.08.1998 and as many as eight resolutions have been passed on 30.08.1998 and in fact, the Appellant/Plaintiff has signed below one L.Tamizharasi as per Rule (9). As seen from Ex.A.3 certified copy of the Bye-Laws of the Society, dated 14.08.1994, it is evident that Rule (9) postulates that with the consent and approval of the Executive Body, the President can alter the rules and regulations of the Association whenever required. Therefore, as per the Appellant/Plaintiff Society, the rules and regulations of the Appellant/Plaintiff Society can very well be altered by the President with the consent and approval of the members of the Executive Body. Out of seven members of the Executive Body of the Appellant/Plaintiff Society, six members have been present on 30.08.1998 in the executive Meeting. As per Ex.A.1 certified copy of the Form No.VI, dated 30.08.1998 of the Appellant/Plaintiff Society amendments and as per Ex.B.2 copy of the Minutes Book, dated 30.08.1998 of the Executive Body meeting of the Appellant/Plaintiff Society, it is seen that Rule III(B) of the Appellant/Plaintiff/Society has been amended to the effect that the founder members and other members of the Society are eligible to be elected to any post of the governing body and they shall hold the office for a period of two years.

84. The cursory glance of Ex.B.1 Minutes Book, dated 17.12.1998, at Page No.65, indicates that the Executive Body meeting has taken place and five members have attended the same and in the said meeting, the Resolution to submit Form No.VI relating to the alteration of III(B) to the Registrar of Societies has been passed. Continuing further, as per Ex.B.3, the alterations of the Appellant/Plaintiff Society regulations relating to III(B), has been submitted to the Registrar of Companies, Pondicherry.

85. According to the Appellant/Plaintiff Society, the copy of the alteration of rules and regulations of the Appellant/Plaintiff Society, dated 30.08.1998, was not sent to the 2nd Respondent/1st Defendant, within 15 days from the date of effecting such alteration and therefore, the amendment dated 30.08.1998, is an illegal one. The registration of the amendment has taken place on 22.12.1998 as per Section 4-A(6) of the Societies Registration Act, 1860 (in application to the Union territory of Pondicherry). A copy of every alteration made in the rules and regulations of the Society, certified to be a correct copy in the manner prescribed as aforesaid shall be sent to the Registrar, within fifteen days of making such

alterations. Section 4-A(7) of the Act visualises that if the Society make default in compliance of the ingredients of Section 4 and 4-A, it shall be liable to a fine not exceeding fifty rupees (vide Pondicherry Act 9 of 1969, Section (4), with effect from 01.01.1979 for late submission/registration of the amendment, dated 22.12.1998). As per Section 4-A(7) of the Societies Registration Act, 1860, only a fine of rupees not exceeding fifty shall be levied for default in the specified requirement of Sections 4 and 4-A. The penalty is in view of non-communication of the Authority concerned and the liability is fastened on the person, who is responsible to communicate the alterations made. But, it cannot be read further that if the Resolution is communicated to the authorities concerned, after the periods specified, would lead to invalidate the valid resolution passed by the General Body. Any Bye-Law can be amended by the Executive Committee or the General Body of the Society/Association and the communication in law is only done by an authorised person. A mere failure of an authorised person to indicate to an authority under a particular act will not ipso facto lead to invalidate the action of the whole of the general body. Section 4-A(6) of the Act can only be a directory one and it cannot be construed as a mandatory one, as opined by this Court. If it is to be construed as mandatory then mere mischief of someone who is authorised to communicate, by delaying within the time specified, will render otiose the action of the Executive Committee meeting or the General Body meeting of the Society/Association, which in the considered opinion of this Court, could not be the intention and object of the Legislature. In fact, the Societies Registration Act, 1860, does not expressly provide for nullification of consequences of the non-compliance of statutory provisions. However, it expressly provides for imposition of the fine not exceeding fifty rupees if the altered rules and regulations of the Society namely a certified copy is not sent to the Registrar, within 15 days of making such alterations. Viewed in that perspective, this Court holds that the delayed registration of amendment dated 22.12.1998 is to attract only Section 4-A(7) of the Societies Registration Act, 1860, in and by which a fine of rupees not exceeding fifty is levied for default for non-compliance of Section 4 and 4-A upon the Appellant/Plaintiff Society.

86. Be that as it may, PW1 N.Manimegalai has resigned from the post of Headmistress of the Appellant/Plaintiff School by virtue of her Ex.B.5 letter dated 15.09.1998 and further, she has requested to be relieved from the said post from 15.09.1998. Further, in the Executive Committee Meeting held on 30.08.1998 in respect of the Appellant/Plaintiff Society, the 1st Respondent/2nd Defendant has been appointed as new President acceding to the request of the Parents Teachers Association. As such, PW1 N.Manimegalai has no locus to file O.S.No.374 of 1999 on the file of the Learned II Additional District Munsif, Pondicherry, representing the Appellant/Plaintiff/Society, as held by this Court.

87. Apart from the above, when PW1 N.Manimegalai has resigned from the post of Headmistress of the Appellant/Plaintiff/Society with effect from 15.09.1998 and when the fact situation is that the 1st Respondent/2nd Defendant has been appointed as President of the Appellant/Plaintiff/School, it cannot be said that the assumption of the Presidentship by him is not valid, in view of the fact that as per Resolution No.3 of the Executive Committee Meeting of the Appellant/Plaintiff School on 30.08.1998 Rule III(B) has since been amended unanimously.

88. As far as the present case is concerned, the Executive Committee Meeting of the Appellant/Plaintiff Society held on 30.08.1998, has brought about the amendment of Rule III(B) of the Appellant/Plaintiff Society and also that, the 1st Respondent/2nd Defendant has been appointed as new President (replacing PW1 N.Manimegalai), the Registration of alteration of amendment Rule III (B) is only a ritualistic formality to be complied with the Appellant/Plaintiff Society/School. Also that the 1st Respondent/2nd Defendant representing the Appellant/Plaintiff School has been arrayed as one of the parties to the suit O.S.No.374 of 1999 on the file of the trial Court. Therefore, it is not necessary to include everyone and all as parties to the litigations of the proceedings in O.S.No.374 of 1999 on the file of the trial Court, as opined by this Court. Therefore, it is not necessary to implead all the other members of the Appellant/Plaintiff Society.

89. For the forgoing detailed discussions and on consideration of the entire conspectus of the facts and circumstances of the case, in a cumulative fashion, this Court holds that it cannot be said that the assumption of the Presidentship by the 1st Respondent/2nd Defendant of the Appellant/School is an invalid one and further, the amendment and alteration of the amendment are valid as per Section 4-A(6) of the Societies Registration Act, 1860. Also that the effect of amendment not sent in due time to the Registrar of Companies (within 15 days of the amendment being brought about) attracts only levying of a fine not exceeding fifty rupees as per Section 4-A(7) of the Act, 1860, and accordingly, this Court answers the Substantial Questions of Law Nos.1 to 3 against the Appellant/Plaintiff. Resultantly, the Second Appeal fails.

In the result, the Second Appeal is dismissed leaving the parties to bear their own costs. Consequently, the Judgment and Decree of the First Appellate Court viz., the Learned Additional District Judge,

Pondicherry, in A.S.No.95 of 2000, dated 26.02.2001, are affirmed by this Court for the reasons assigned in this Second Appeal.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

mps

To

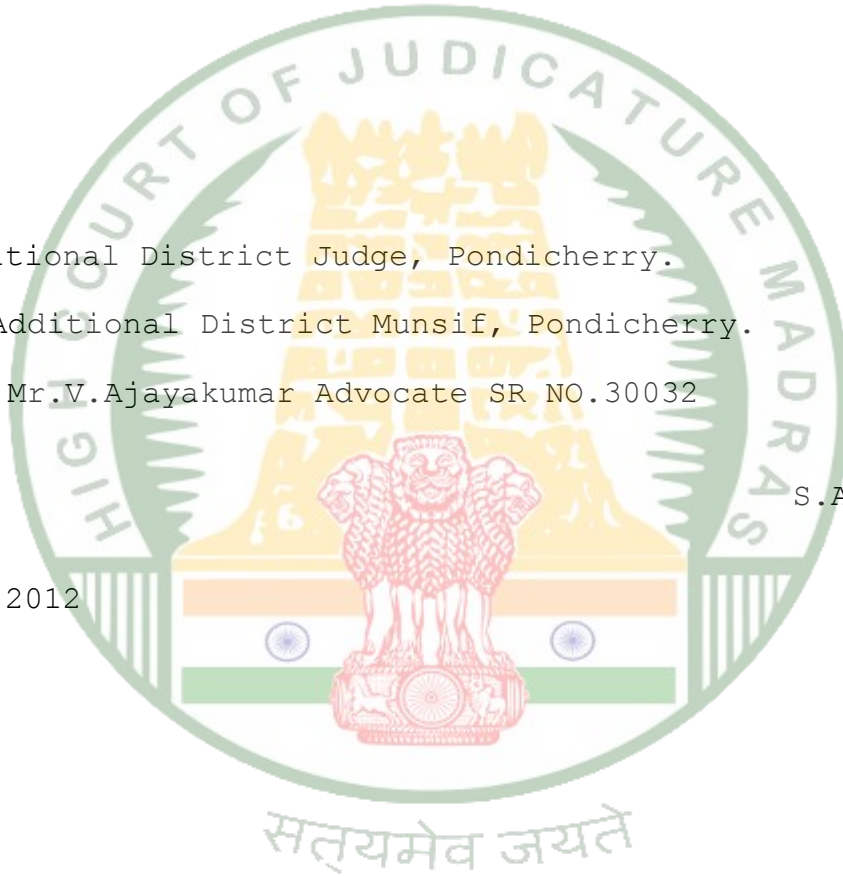
1.The Additional District Judge, Pondicherry.

2.The II Additional District Munsif, Pondicherry.

+ 1 CC To Mr.V.Ajayakumar Advocate SR NO.30032

S.A.No.1054 of 2001

SV(CO)
ABH/04.06.2012



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