courtkutchehry.com

Company : CourtKutchehry
Website : www.courtkutchehry.com
Printed For :
Date : 17/09/2026

(1963) 11 MAD CK 0074

In the Madras High Court

The Managing Committee of the Sengunthar Education Board — APPELLANT

Vs

S.A. Periswami and Another — RESPONDENT

Date of Decision : 19-11-1963

Acts Referred:
Societies Registration Act, 1860 — Section 13

Citation : (1964) 1 MLJ 272

Hon'ble Judges : K. Srinivasan, J

Bench : Division Bench

Judgement

K. Srinivasan, J.—One of the issues raised before the Court below was whether that Court had jurisdiction. That Court found this issue in the affirmative. This Revision Petition has been filed impeaching the correctness of that conclusion. The suit was by two members of the Sengunthar Education Board, a society registered under the Societies Registration Act. The Managing Committee of the Board is elected by the General Body once in three years. The offices of the President, two Vice-Presidents and the Secretary have also to be filled up by election by the Board. A notice was issued by the Correspondent of the Sengunthar High School calling for a general body meeting. This notice itself is impeached as invalid as having been issued by a person not authorised in that behalf. It was alleged by the plaintiffs that they were not informed of the date or place of the general body meeting or of the date to which it stood adjourned. It was further alleged that only a few members were given notice, other members being excluded. Apparently, an election was held. This election was impugned both on the ground set out above as well as on the ground that the election was by the Managing Committee and not by the Board. In these circumstances, the plaintiffs filed the suit in the Court of the District Munsif, Erode, for a declaration that the election of the defendant committee is invalid and for a permanent injunction to restrain that committee from transacting business. In the written-statement, these contentions were denied and one of the averments therein was that since the dispute related to a matter of adjustment and the working of the internal administration of the Board, the civil Court had no jurisdiction.

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/the-managing-committee-of-the-…

2. The learned District Munsif examined this contention and held that Section 13 of the Societies Registration Act, which was relied upon by the defendants, had no application. He also rejected the contention that being an internal affair, the actions of the Committee could not be questioned in the civil Court, and pointed out that when fraud was alleged on the part of the defendants as a result of which the rights of certain of the members of the society were negatived, the civil Court would undoubtedly have jurisdiction.

3. It is the correctness of this order that is canvassed in this Revision Petition.

4. Mr. Gopalaswami Ayyangar urged precisely the same contentions. He was unable to convince me that on either of these matters the learned District Munsif had reached any erroneous conclusion.

5. Section 13 of the Societies Registration Act is a provision for the dissolution of societies and adjustment of their affairs. The broadly stated argument of Mr. Gopalaswami Ayyangar is that u/s 13, a suit, in the event of a dispute among the members of a society, must be laid in the principal Court of original jurisdiction when it is in regard to adjustment of the affairs of the society. Even a cursory perusal of the section gives no support to the present claim. The section starts by saying that where the requisite proportion of the members of the society determine that it shall be dissolved, it shall be dissolved forthwith or at the time agreed upon, and all necessary steps shall be taken for the disposal and settlement of the property of the society, its claims and liabilities etc. There is a Proviso which states that in the event of any dispute arising among the said governing body or the members of society, the adjustment of its affairs shall be referred to the principal Court of original jurisdiction. The dispute referred to has obviously reference only to a dispute arising in the process of winding up of the society. This section has no application whatsoever to a case where the society is not dissolved.

6. Nor am I satisfied with the proposition that merely because this is a case of internal dissension of the society, the civil Court has no jurisdiction. In this particular case, the plaintiffs, as two of the members of the Board, are entitled to certain rights and privileges and their allegation was that they were fraudulently kept out of their rights in the matter of the election of the office-bearers of the society. It was alleged that the process of election that was gone through was not in accordance with the rules of the society. I have not been referred to any provision in the Act which excludes the jurisdiction of the civil Court where an express allegation of fraud in a matter affecting the rights of the members of the society has been made and the proceedings attacked as in violation of the Statute and the Rules. This contention also fails.

7. The petition is accordingly dismissed.

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/the-managing-committee-of-the-…