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CRP.Nos.1370 & 1656 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**Reserved On
14-10-2026**

**Delivered on
16-10-2026**

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

**Civil Revision Petition Nos.1370 & 1656 of 2025
& CMP.Nos.8121 & 9576 OF 2025**

CNR:{HCMA010723322025}

CNR:{HCMA010821302025}



Case QR



Case QR

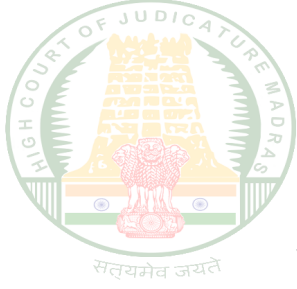
CRP.No.1370 of 2025:

1. Madras Medical Mission
No.4-A, Dr.J.Jayalalitha Nagar,
Mogappair East, Chennai-600 037,
Rep. by its Hon, Secretary
Dr.K.Jacob
2. The Honorary Secretary
The Madras Medical Mission,
No.4A, Dr.J.Jayalalitha Nagar,
Mogappair East, Chennai-600037

...Petitioners

Vs

1. Sajan Varghese
No.9, Saj House,
Kariyad-Mattoor Road,



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CRP.Nos.1370 & 1656 of 2025

Nedumbassery,
Vapalassery PO,
Kochi-683572. Kerala.

2. K.Jacob
6/1, 15th Avenue,
Harrington Road,
Chetput, Chennai-600031.

...Respondents

CRP.No.1656 of 2025:

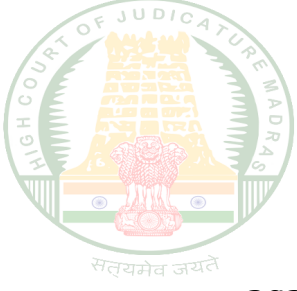
Sajan Varghese
No.9, Saj House,
Kariyad-Mattoor Road,
Nedumbassery,
Vapalassery PO,
Kochi-683 572,
Kerala.

...Petitioner

Vs

1. The Madras Medical Mission
No.4-A, Dr.J.Jayalalitha Nagar,
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Rep. by its Hon.Secretary
Dr.K.Jacob
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3. K.Jacob
6/1, 15th Avenue,
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...Respondents



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CRP.Nos.1370 & 1656 of 2025

PETITIONS under Article 227 of The Constitution of India
against the fair and decretal order dated 27.3.2025 in I.A.No.2 of
2025 in O.S.No.51 of 2025 on the file of the District Munsif Court,
Ambattur.

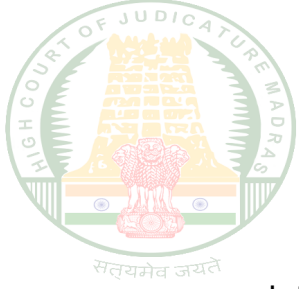
For Petitioners in
CRP.No.1370 of 2025
&
R1 & R2 in
CRP.No.1656 of 2025: Mr.N.L.Rajah, SC for
Mr.D.Ferdinand
M/s.BFS Legal

For R1 in CRP.No.1370
of 2025 &
Petitioner in CRP.No.
1656 of 2025 : Mr.Thomas T Jacob

For R2 in CRP.No.1370
of 2025 &
R3 in CRP.No.1656 of
2025: Mr.P.Siddharth

COMMON ORDER

CRP.No.1370 of 2025 has been filed by the petitioners/
defendants 1 and 2 aggrieved by the fair and decretal order dated
27.3.2025 in I.A.No.2 of 2025 in O.S.No.51 of 2025 on the file of
the District Munsif Court, Ambttur.



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2. CRP.No.1656 of 2025 has been filed by the petitioner/ plaintiff aggrieved by the same order insofar as not restraining the defendants conducting the Extraordinary General Meeting (EGM) in case the requisite quorum is present.

3. Heard the learned counsel on either side.

4. The parties will be identified in this common order in line with their status in O.S.No.51 of 2025.

5. The plaintiff filed the said suit on the cause of action that

(i) The plaintiff and 30 other members submitted a requisition dated 06.2.2025 to the Governing Board of the Madras Medical Mission (for short, the society) seeking to conduct an EGM with a proposed resolution to place forensic report and enquiry report before the General Board and to hold the four members accountable on the allegation that they involved in gross financial irregularities whereas the Governing Board of the society held a meeting on 14.2.2025 and manipulated the voter baseline by inflating the



General Board membership from 147 to 171 by suspending the 5 requisitionists for the EGM and adding 36 new members and readmitting 15 out of 23 members, who are already in the society and removing eight members;

(ii) that the 2nd defendant issued a notice dated 04.3.2025 calling for the EGM to be held virtually from 27.3.2025 to 29.3.2025;

(iii) that had this EGM been conducted, the very requisition dated 06.2.2025 by the 31 members would become defective for falling below the statutory threshold of 1/5th members;

(iv) that therefore, in the said suit, the plaintiff sought for the declaration to declare the notice dated 04.3.2025 issued by the 2nd defendant as illegal and null and void and for permanent injunction restraining the defendants from giving effect to the notice dated 04.3.2025 calling for the EGM and also restraining the defendants from taking any major decisions until the EGM requisitioned by notice dated 06.2.2025 was duly held and completed.

(v) Along with the said suit, I.A.No.2 of 2025 was filed by the plaintiff under Order XXXIX Rules 1 and 2 of the Civil Procedure Code (for short, CPC), seeking for an order of interim injunction



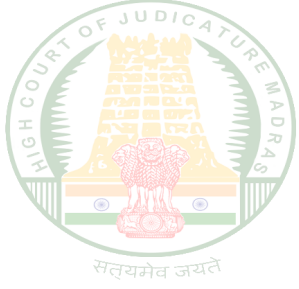
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restraining the defendants from giving effect to the said notice dated 04.3.2025 issued by the 2nd defendant calling for the EGM to be held between 27.3.2025 to 29.3.2025 pending disposal of the said suit.

(vi) Ultimately, the District Munsif Court, Ambattur, after hearing both sides, passed the impugned order on 27.3.2025 in the following terms:

“33. Hence, in light of the above discussions, this court concludes that there shall an interim injunction in restraining the Defendants and all persons claiming under the Defendants, from acting upon, or giving any effect to, in any manner whatsoever, the Notice dated 04.03.2025 issued by the 2nd Defendant calling for an Extraordinary General Meeting (EGM) and opening the remote e-voting system on 27.03.2025 at 10.00 AM till 29.03.2025 at 04.59 PM, pending disposal of the above suit. The Petitioner shall communicate the interim orders to the Respondents and the CDSL which is to conduct the e-voting through postal notice and also through email immediately.

34. Further, it is clarified the interim injunction does not in any manner restrain the Defendants and all persons claiming under the



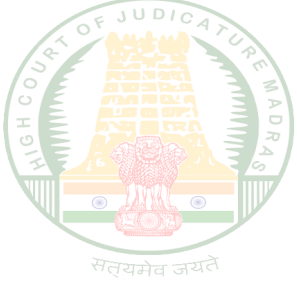
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Defendants conducting the EGM on 29.03.2025 at 05.00 PM as prescribed in case the requisite quorum is present. The remote e-voting system shall be opened after the Chair Person declares the quorum and commences the meeting. The orders being pronounced today at 10.03 PM, any vote cast before this time shall be invalid and the scrutiniser shall intimate the said voting member to appear on 29.03.2025 at 05.00 either in person or remotely and then cast his/her vote. Accordingly, the IA No.2 of 2025 is disposed.

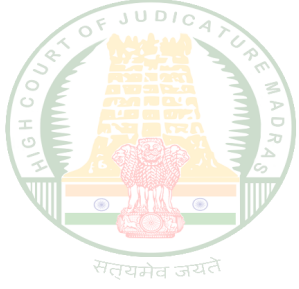
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37. I.A.No.2 of 2025: In the result, this Petition is partly allowed without costs and an order of interim injunction is granted in favour of the Petitioner subject to the conditions mentioned in Paragraph No.33 and 34 hereinabove, restraining the Defendants and all persons claiming under the Defendants, from acting upon, or giving any effect to remote e-voting system, more particularly opening the remote e-voting system on 27.03.2025 at 10.00 AM till 29.03.2025 at 04.59 PM regarding the Notice dated 04.03.2025 issued by the 2nd Defendant calling for an Extraordinary General Meeting (EGM) pending disposal of the above suit.”



6. When CRP.No.1370 of 2025 filed by defendants 1 and 2 was entertained by this court, an interim order was passed by this court on 28.3.2025 in the following terms:

"5.A perusal of the paragraph number 25 of the order would clearly show that the learned Judge was conscious of the fact that the e-voting would be active from 27.03.2025 at 10.a.m and would be disabled only after the EGM on 29.03.2025. After being fully conscious about the voting having commenced, the learned Judge has passed an interim order restraining the petitioners herein and persons claiming under them, notice dated 04.03.2025. But it does not restrain the petitioners from conducting the EGM on 29.03.2025 after the Chair Person declares the quorum and commences the meeting as invalid. The petitioners would submit that the e-voting had commenced at 10.a.m on 27.03.2025 and the interim order was passed at 3.35 p.m on 27.03.2025. By which time, large number of persons had started the voting and this e-voting is done throughout the world where there were different time zones. The voting was also handed over to Central Depository Services (India) Limited (CDSIL). Therefore, considering the fact that voting had started even prior to



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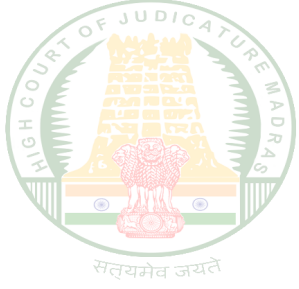
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the interim orders, there shall be an interim suspension of that portion of the order in I.A.No.2 of 2025, wherein the learned Judge has declared the votes hold on 27.03.2028 and 28.03.2028 as invalid which practically grants the prayer in the suit, the interim order is suspended to the above and the voting shall go on. However, the results shall kept in abeyance until further orders of this Court."

7. After the said order dated 28.3.2025 was passed by this Court, the plaintiff filed CRP.No.1656 of 2025 on 08.4.2025 aggrieved by the direction given by the Court below not restraining the defendants conducting the EGM on 29.3.2025 if the requisite quorum was present.

8. The learned Senior Counsel appearing on behalf of defendants 1 and 2 made the following submissions:

- a. The EGM was convened based on the requisition made by the plaintiff and 30 others and after the process commenced from 27.3.2025 10 AM and after substantial members already exercised their voting rights, the Court below ought not to

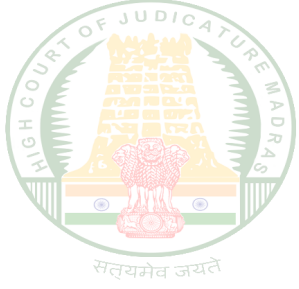


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have passed the impugned interim order at about 3.45 PM and thereby invalidating or disturbing the votes already cast, retrospectively and such an order is vitiated since it has been passed in excess of jurisdiction by the Court below.

- b. The alternate remedy of appeal provided under Order XLIII of the CPC is not a bar since the defendants are questioning the manner, in which, the Court below exercised its jurisdiction by travelling beyond the limits of interlocutory intervention, which has to be corrected by this Court in exercise of its jurisdiction under Article 227 of The Constitution of India.
- c. The relief sought for in the said suit is premature on the apprehension that the General Board may ultimately vote in a particular manner and thereby the plaintiff pre-empted the functioning of the General Board before his grievance actually crystallized.
- d. The allegation made by the plaintiff on the alleged removal and addition of members and suspension of certain members is an independent issue and is distinct and it can be challenged separately by the aggrieved persons. The plaintiff instituted the said suit in his individual capacity and not in a



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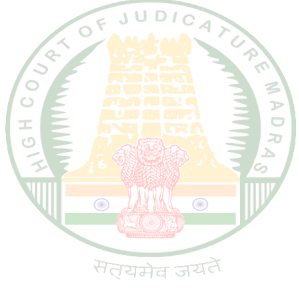
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representative capacity and therefore he cannot speak on behalf of others, who have not approached the Court. The plaintiff cannot collaterally raise issues, which do not have any connection with the relief sought for in the said suit, which itself has been instituted at a premature stage.

- e. The interim order, as sought for by the plaintiff, is virtually a final relief in the said suit and granting the interim order results in granting the final relief.

9. Per contra, the learned counsel appearing for the plaintiff made the following submissions:

- a. The plaintiff can ventilate his grievance only before this Court and cannot file an appeal in view of the interim order passed by this Court on 28.3.2025 and if an appeal is filed, two Courts would be dealing with the same issue, which might lead to contrary opinions and outcomes.
- b. Even though the plaintiff and 30 others made a requisition to conduct the EGM on 06.2.2025, the Governing Board manipulated the entire list of members by adding, removing

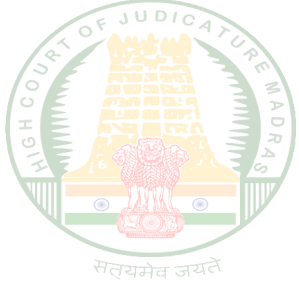


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and suspending members and thereby the membership of the General Board, which was 147 as on date of requisition on 06.2.2025, was increased to 171 on the date of notice issued by 2nd Defendant on 04.3.2025 and this act on the part of the Governing Board virtually defeats the requisition for conducting the EGM since it was requisitioned only by 31 members and if the strength was taken as 171, it would be defective for falling short below the statutory threshold of 1/5th members.

- c. Three out of four (3 out of 4) members, against whom the proposed resolutions were requisitioned for gross financial fraud, were the sitting Governing Board members, who approved the manipulation of voter baseline from 147 to 171 and thus, they acted unfairly only with a view to defeat the object of calling for the EGM.
- d. If the Governing Board changed its structure of the membership after the requisition was made, it would amount to abuse of power and it would affect the democratic design of the society.
- e. By-law 89 provides for voting by the members, who are



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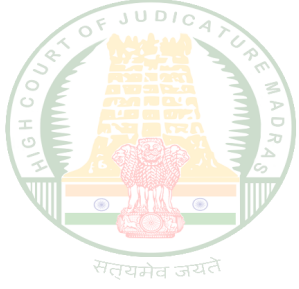
present and voting and the e-voting mechanism does not provide for confirmation of the actual presence of voting members and an EGM, without discussion, debate and thereafter voting, cannot be called as such.

10. When these civil revision petitions came up for hearing on 07.10.2026, the following order was passed by this Court:

"After the written submissions were filed by both sides during the previous hearing, the matter was listed for hearing today for clarification.

2. The entire issue in the present case boils down to those happenings that took place between 06.2.2025 and 04.3.2025. On 06.2.2025, when the requisition was made to call for EGM, admittedly, the general body membership was 147. By 04.3.2025 when the notice was issued by the 2nd defendant calling for EGM, the number had been altered to 171.

3. The grievance of the plaintiff is that if the number is increased to 171, the very requisition made for EGM would be defective since it will be falling below the statutory threshold of 1/5th members. The other grievance is that out of 31 requisitionists, 5



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requisitionists were suspended and certain new members were added/re-admitted/removed and as a result, the numbers increased to 171.

4. In the present case, this Court will not go into the legality or otherwise of the suspension/removal/addition of members ect. It is a separate cause of action which has to be agitated independently for the simple reason that the present suit is not a representative suit filed on behalf of all the aggrieved persons.

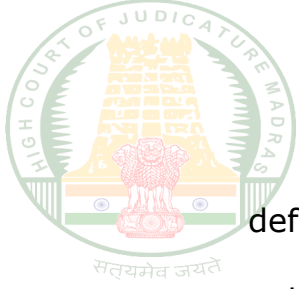
5. The learned counsel for the petitioners/defendants 1 and 2 in CRP.No.1370 of 2025 shall get the following clarifications:

a) Whether the Society is intending to defeat the requisition made calling for EGM on the ground that it falls short below the statutory threshold of 1/5th members and ;

b) Whether the original status as it prevailed on 06.2.2025 can be taken into consideration and the votes can be counted accordingly with respect to the resolutions moved in the EGM.

6. Post these Civil Revision Petitions under the same caption on 14.10.2026 at 2.15 p.m."

11. When the matters were taken up for hearing on 14.10.2026, the learned Senior Counsel appearing on behalf of



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defendants 1 and 2, on instructions, submitted that the society does not have any intention to defeat the requisition made calling for the EGM on the ground that it falls short below the statutory threshold of 1/5th members and that the notice dated 06.2.2025 issued by the plaintiff and 30 others calling for conducting the EGM to pass the proposed resolution will be acted upon; that the votes cast by the new members, who were admitted on 14.2.2025, will not be taken into consideration; and that the votes cast by the existing members as it prevailed on 06.2.2025 alone will be taken into consideration with respect to the resolutions moved in the EGM.

12. Per contra, the learned counsel appearing for the plaintiff submitted that even if the society does not intend to defeat the EGM called by the plaintiff and 30 others on the ground that it is falling short below the statutory threshold, the fact remains that 5 of the requisitionists were suspended and were not allowed to vote and that, by itself, will vitiate the entire process. It was further submitted that an advocate commissioner must be appointed to conduct a fair EGM by restoring the original position of members as it existed on 06.2.2025; and that as against the suspension of 5 of



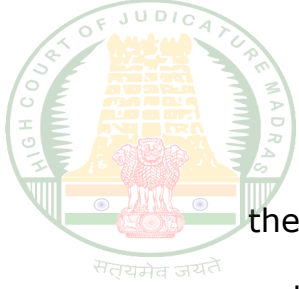
the requisitionists, separate proceedings have already been initiated.

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13. This Court has carefully considered the submissions made on either side and perused the material available on record and more particularly the impugned order.

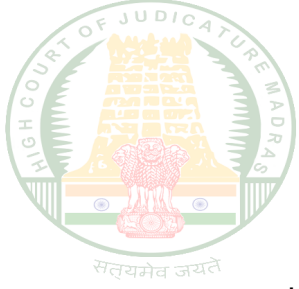
14. The Court below, while passing the impugned order, took into consideration the fact that there was some urgency in taking up the interlocutory applications for hearing since the EGM was proposed to be conducted on 29.3.2025 and for that purpose, the e-voting would be open on 27.3.2025, on which date, the Court below was dealing with the interlocutory applications. In view of the same, the Court below rendered a finding that if the issue was not taken up immediately, there was every chance that the EGM would be conducted; that the grievance expressed by the plaintiff might not be addressed leading to a fresh cause of action; and that the plaintiff would suffer irreparable loss and hardship.

15. In view of the same, the Court below took the pain to hear



the lengthy arguments made on both sides and passed the interim order on 27.3.2025 at about 3.45 PM. The Court below also took into consideration the fact that the said suit was confined to the EGM notice and that no relief was sought for regarding the inclusion/suspension of the members. Therefore, the Court below did not go into that issue.

16. The Court below also rendered a finding that the issue as to whether the requisite quorum was available could be decided only on 29.3.2025 5 PM and that the e-voting itself should have commenced only after the quorum was established on 29.3.2025 whereas the e-voting commenced from 27.3.2025 itself. In view of the same, the Court below passed an order of interim injunction restraining the defendants from, in any manner, acting upon or giving effect to the notice dated 04.3.2025 issued by the second defendant and opening the remote e-voting system from 27.3.2025 10 AM till 29.3.2025 4.59 PM. It was further made clear that the order of interim injunction granted would not restrain the defendants from conducting the EGM on 29.3.2025 in case the requisite quorum was present.



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17. This Court normally does not entertain the civil revision petition filed under Article 227 of The Constitution of India against an interim order passed under Order XXXIX Rules 1 and 2 of the CPC since a statutory remedy of appeal is available under Order XLIII Rule 1 of the CPC. However, CRP.No.1370 of 2025 was entertained by this Court and an interim order was also granted on 28.3.2025 permitting the voting to go on and directing the resolutions to be kept in abeyance until further orders were passed in this revision.

18. In view of the same, no useful purpose will be served in closing these revisions and once again sending the parties in these revisions to approach the concerned forum and file an appeal. In view of the clarification given by the learned Senior Counsel appearing on behalf of defendants 1 and 2, it will be appropriate to pass final orders in these revisions so as to avoid any further complication.

19. The main grievance expressed on the side of the plaintiff is that after the requisition notice for conducting the EGM was given



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on 06.2.2025, five of the requisitionists were suspended and the Governing Board manipulated the list of members and increased the membership from 147 to 171 thereby the notice dated 04.3.2025 issued by the second defective calling for the EGM is vitiated.

20. Considering the grievance expressed by the plaintiff, this Court sought for clarification from defendants 1 and 2 when the earlier order was passed by this Court on 07.10.2026 and it was now clarified that the requisition made on 06.2.2025 to call for the EGM would not be defeated by taking into consideration the subsequent addition of members and thereby rendering the requisition itself as invalid on the ground that it fell short below the statutory threshold of 1/5th members. Hence, the requisition for the EGM and the resolutions, which were the subject matter in the EGM, will not be defeated on this ground as apprehended by the plaintiff.

21. It has been further clarified on the side of defendants 1 and 2 that the votes cast by the members, who were included after 06.2.2025, would not be counted and that the votes of the members as on 06.2.2025 alone would be taken into consideration with

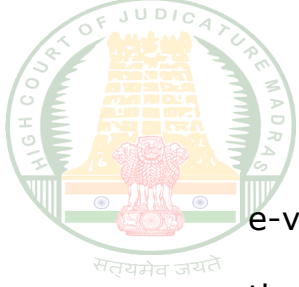


respect to the resolutions moved in the EGM. Hence, the apprehension that the newly added members would tilt the votes against the requisitionists has also been taken care since their votes are not going to be counted.

22. The action taken by the society regarding the suspension/removal/addition of members is not a subject matter of the said suit. Therefore, this Court will not go into the legality or otherwise of those actions taken by the society.

23. The issue regarding the validity of the resolutions passed in the EGM on the ground of want of quorum is a matter, which has to be considered only by letting in evidence as and when those resolutions are put to challenge. In other words, the legality of the EGM conducted and the resolutions passed cannot be decided at the stage of interlocutory applications since it requires letting in evidence and appreciation of facts.

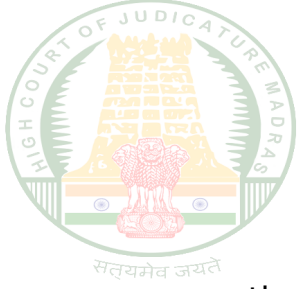
24. If, in spite of the clarifications given on the side of the defendants 1 and 2, the society is prevented from acting upon the



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e-votes and taking a decision on the resolutions moved in the EGM, the society will be put to irreparable loss and hardship. This is more so since the plaintiff has been suspended and he has not cast his vote and he filed the said suit in his individual capacity and not in a representative capacity representing all those, who were suspended on 14.2.2025. The plaintiff and others will have to necessarily work out their remedy independently in so far as their suspension/removal is concerned.

25. The e-voting has taken place across the world for three days and the voters have cast their votes. They have exercised their valuable right. In view of the same, restraining the further process after the voting has taken place will infringe upon the right of each voter, who has cast his vote. What will come out of the voting, as on today, is in the realm of assumption and no one knows as to whether the resolutions will get through or will stand defeated. Hence, if the entire process is stalled, the society will be put to hardship and it will not be able to function effectively. Therefore, the balance of convenience is certainly on the side of the defendants.



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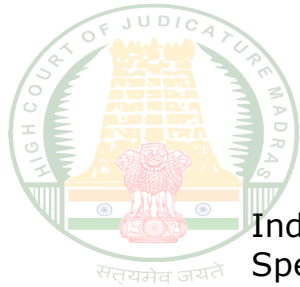
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26. Even in so far as testing the prima facie case is concerned, the clarifications given by defendants 1 and 2 will sufficiently take care of the major grievance expressed by the plaintiff except the grievance of suspension/removal of some of the requisitionists and it has to be agitated independently.

27. In the light of the above discussions, CRP.No.1370 of 2025 is allowed in the above terms and defendants 1 and 2 are permitted to act upon the e-voting cast by the members in the light of the clarifications given by them and announce the result of the EGM called for by the second defendant through the notice dated 04.3.2025. If the plaintiff and others have any grievance even thereafter, it is left open to them to work out their remedy in a manner known to law. Consequently, the connected CMP is closed. As a consequence, CRP.No.1656 of 2025 stands dismissed. Consequently, the connected CMP is also dismissed. No costs.

16-10-2026

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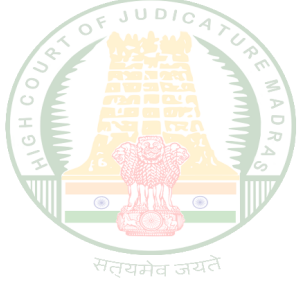
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Speaking order
Neutral Citation: Yes

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To
The District Munsif Court,
Ambattur.

RS

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Order QR

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N.ANAND VENKATESH,J

RS

**CRP.Nos.1370 & 1656 of 2025
& CMP.Nos.8121 & 9576 of 2025**

16-10-2026

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