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Order QR

A No. 3806 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2026

CORAM

THE HON'BLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

A No. 3806 of 2026

in

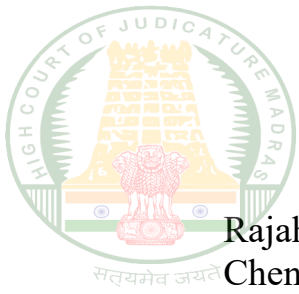
CS No. 205 of 2026

Dr. M.A.M.R.Muthiah
S/o.Late Dr.M.A.M.Ramaswamy,
Executive Committee Member,
Rajah Annamalai Puram Sri Iyyappa,
Swami Temple Trust,
“Chettinad House”, Raja Annamalai Puram,
Chennai-600028

..Applicant(s)

Vs

1. Rajah Annamalai Puram Sri Iyyappa Swami Temple Trust,
Represented by its Secretary R.M.Veerappan,
No.82, Santhome High Road, Raja Annamalaipuram,
Chennai-600028
2. Mr.R.M.Veerappan
Secretary cum Executive Committee Member,
Rajah Annamalai Puram Sri Iyyappa Swami Temple Trust,
Sarojini Apartments , A2,
First Floor, Sarojini Street, T.Nagar,
Chennai-600017.
3. Mr.AL.Murugappan
No.55, K B Dasan Road, Seethama Colony
Extn,
Teynampet, Chennai-600018
4. Mr.P.Lakshmanan
82, Santhome High Road,

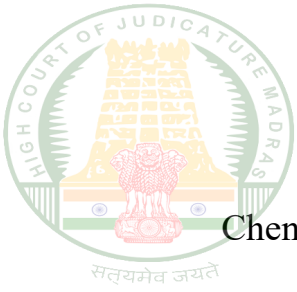


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- Rajah Annamalaipuram,
Chennai-600028
5. Mr.M.A.M.M.Annamalai,
S/o.Late Mr.Kumararajah M.A.M.Muthiah
Chettiar,
“Chettinad House”, Raja Annamalai puram,
Chennai-600028
 6. Mr.V.Viaidyanathan
‘Navsuja’ No.73, V.K.Road,
Chennai-600028
 7. Mr.S.Nachiappan
No.5/3, III Street, Royapettah High Road,
Mylapore, Chennai-600004
 8. Mr.K.Chidambaram
No.15, 7th Cross Street,
Shastri Nagar,
Adyar, Chennai-600020
 9. Dr.L.Alagusundaram
82, Santhome High Road,
Rajah Annamalaipuram,
Chennai-600028
 10. Mr.AR.Nachiappan
82, Santhome High Road,
Rajah Annamalaipuram,
Chennai-600028
 11. Mr.A.Nagarajan
82, Santhome High Road,
Rajah Annamalaipuram,
Chennai-600028
 12. Mr.M.Meyyappan
82, Santhome High Road,
Rajah Annamalaipuram,



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Chennai-600028

13. Mr.L.Lakshmanan
82, Santhome High Road,
Rajah Annamalaipuram,
Chennai-600028

14. Mr.RM.Rajendran
82, Santhome High Road,
Rajah Annamalaipuram,
Chennai-600028

15. Mr.Mohan Parasaran
Senior Advocate, Supreme Court of India,
No.8, Dr.Radhakrishnan Salai,
8th Street, Mylapore, Chennai-600 004

16. Dr.A.C.Muthiah
Adyar Villa,
No.28, Gandhi Mandapam Road,
Kotturpuram, Chennai-600085

..Respondent(s)



Case QR

CNR:{HCMA011942432026}

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Prayer: To grant an ad interim direction to the 2nd Defendant to implement the unanimous resolutions passed at the Annual General Body Meeting held on 25/09/2025, including giving effect to the election of the Office Bearers and Executive Committee Members elected thereunder, pending disposal of the above suit.

For Applicant(s):

Mr.V.Raghavachari, Senior Advocate



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For Respondent(s):

Mr.Sricharan Rangarajan, Senior Advocate
for Mr.Vadiraj Anirudh, S.G. for R2

Mr.P.V.Balasubramaniam, Senior Advocate
for Mr.Vadiraj Anirudh, S.G. for
R3, R7, R10, R12, R13 & R14

Ms.G.Sumithra for R6

Mr.T.Gowthaman, Senior Advocate
for Mr.R.S.Pandiyaraj for R9

Mr.K.R.Ramesh Kumar for R11

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This application has been filed by the plaintiff / applicant seeking an interim mandatory injunction directing the 2nd defendant to implement the resolutions stated to have been unanimously passed at the Annual General Body Meeting of the 1st defendant – Society held on 25.09.2025, including the election of the Office bearers and Members of the Executive Committee, and consequently to give effect to the election of the applicant as Treasurer and the elected officer bearers, pending disposal of the suit.

2.The applicant's case is that the 1st defendant is a Society governed by its Memorandum / Bye-laws and that an Annual General Body Meeting was duly convened pursuant to notice dated 01.09.2025. The meeting was held on



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25.09.2025 and was presided over by late Smt. Kumararani Meena Muthiah.

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3. According to the applicant, the meeting proceeded with the agenda for election of the Executive Committee and Office bearers. The Members of the Executive Committee were elected and thereafter the Office bearers were also elected. It is the specific case of the applicant that the 5th defendant was unanimously elected as President, the 2nd defendant as Secretary and the applicant as Treasurer. It is further stated that the result of the election was recorded contemporaneously on 25.09.2025 and that the election record was signed by the members present. The applicant contends that, having been elected as Treasurer, he became entitled to participate in the Administration of the society in accordance with the Bye-laws.

4. The grievance of the applicant is that the 2nd defendant, notwithstanding his own election as Secretary, has subsequently declined to implement the resolutions passed at the AGBM; has failed to convene meetings of the Executive Committee and has continued to administer the affairs of the society without recognising the other elected Officer bearers. The applicant has relied upon the relevant provisions of the Bye-laws, particularly Bye-laws 3, 4A, 4B, 13, 15, 16, 17, 18, 19, 20 & 21, to contend that the administration of the Society is not intended to be vested exclusively in the Secretary and that the elected



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Executive Committee and Office bearers have a defined role in the Management of the Society.

5.The 2nd defendant has filed a counter affidavit disputing the applicant's claim. According to him, though the Annual General Body Meeting was convened and commenced on 25.09.2025, the election of the Officer bearers was not concluded. It is his specific contention that disputes arose during the meeting when the election of the Office bearers was taken up and that the applicant and the 5th defendant subsequently purported to declare themselves as Treasurer and President respectively. The 2nd defendant also disputes the authenticity and evidentiary value of the election record relied upon by the applicant. It is contended that the Chairperson who presided over the meeting did not sign the said document, that the original document was not retained in the records of the Society and that there was no validly concluded election of the Office bearers on 25.09.2025.

6.It is further contended that the 2nd defendant has thereafter acted only in his capacity as the existing Secretary and that the notice dated 01.09.2026 convening an Annual General Body Meeting on 28.09.2026 was issued with a view to complete the unfinished business, including the election of Office bearers.



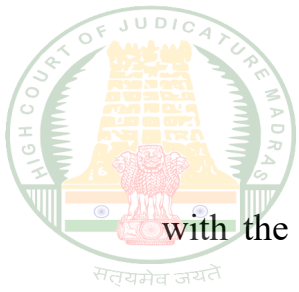
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7. The 9th defendant has filed a counter affidavit which assumes considerable significance at this interlocutory stage. The 9th defendant states that he was personally present at the Annual General Body Meeting held on 25.09.2025, participated in the proceedings and witnessed the election process. He has specifically stated that the election of the members of the Executive Committee was conducted and concluded. According to him, the 5th defendant was elected as President, the 2nd defendant as Secretary and the applicant as Treasurer. The 9th defendant has further stated that the election record was prepared on the same day and was signed by the members present, including himself.

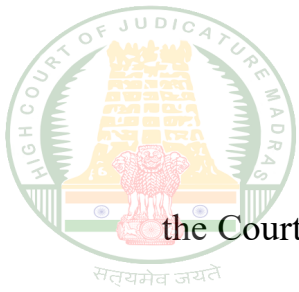
8. The rival contentions disclose disputed questions concerning the proceedings of the meeting dated 25.09.2025. This Court is not called upon, at this interlocutory stage, to finally pronounce upon the validity of the election or to conclusively determine the evidentiary value of every document relied upon by either party. The question that arises for consideration is whether, notwithstanding the disputed questions, the applicant has established a sufficiently strong prima facie case and whether the balance of convenience and the requirement of preventing irreparable injury justify interim protection. The further question is whether the fact that the interim relief substantially overlaps



with the final relief sought in the suit is, in the circumstances of the present case, sufficient by itself to deny relief.

9.Mr.V.Raghavachari, learned Senior Counsel for the plaintiff / applicant has relied upon the judgment of the Hon'ble Supreme Court in ***Deoraj Vs. State of Maharashtra***, reported in ***(2004) 4 SCC 697***. The said judgment arose out of an election dispute in a Co-operative Society. The Hon'ble Supreme Court recognised that although normally a Court would be slow to grant an interim order which virtually grants the final relief, there can be exceptional cases where withholding interim relief would itself effectively destroy the relief sought in the main proceedings.

10.In Deoraj, the election was for a limited tenure and the Court noticed that, unless interim relief was granted, by the time the main matter was heard there would be little or nothing left for the petitioner to obtain even if all his contentions were ultimately accepted. The Hon'ble Supreme Court consequently granted interim relief directing the election result to be announced, while expressly clarifying that the observations were confined to the interlocutory stage. The principle emerging from Deoraj is therefore not that an interim mandatory injunction can ordinarily be granted merely because the applicant has a prima facie case. The principle is that, in an exceptional case,



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the Court may grant even an interim relief which substantially overlaps with the final relief where:

- a. the applicant has a very strong *prima facie* case, of a standard higher than the ordinary *prima facie* case;
- b. the balance of convenience overwhelmingly tilts in favour of the applicant;
- c. withholding relief would cause irreparable or serious injury;
- d. the injury is immediate and pressing; and
- e. refusal of relief would render the ultimate adjudication practically in effective or perpetuate the very injustice complained of.

11. Therefore, the three well settled requirements for grant of a temporary injunction are the existence of a *prima facie* case, balance of convenience and irreparable loss, ie., a *prima facie* case means a substantial question requiring investigation and adjudication and that the Court must further examine whether refusal of protection would result in irreparable injury and where the balance of convenience lies.

12. At the same time, the relief sought in the present application is partly mandatory in character. The 2nd defendant contends that the prayer is mandatory and that granting it would amount to granting the final relief. The contention cannot be accepted in its entirety. It is true that the Court must exercise greater



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caution where an interim order is mandatory in form. However, the mere use of a mandatory direction does not make the relief impermissible. The controlling consideration is the substance and purpose of the order.

13. Mr.Sricharan Rangarajan, learned Senior counsel for the 2nd defendant has relied upon the judgement in ***Dorab Cawasji Warden V. Coomi Sorab Warden***, reported in ***(1990) 2 SCC 117***. The governing principle for an interlocutory mandatory injunction was authoritatively stated by the Hon'ble Supreme Court in the above cited case. The Court held that such a relief is ordinarily granted to preserve or restore the last uncontested status and that the plaintiff must ordinarily demonstrate a stronger case than that required for an ordinary prohibitory injunction, together with the necessity to prevent serious or irreparable injury and a favourable balance of convenience.

14. Therefore, an interlocutory mandatory injunction may be granted in a clear case where the material justifies restoration of the *status quo* and where the refusal would result in serious injustice. The Court must, however, bear in mind that the object of an interlocutory injunction is not to decide the suit finally. Further, an interlocutory injunction is essentially a holding operation intended to preserve the subject matter of the litigation and to minimise the risk of irremediable prejudice pending trial. At the same time, the Court cannot



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conduct a mini trial on disputed questions at the interlocutory stage.

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15. In the present case, the applicant is not seeking a final declaration at this stage that the disputed election is conclusively valid. The immediate grievance is that, after the General Body Meeting and the alleged election, the Society is being administered by one Office bearers without giving effect to the resolutions allegedly passed by the General Body. The purpose of the interim order is therefore to prevent one version of the disputed events from being unilaterally implemented during the pendency of the proceedings and to preserve the institutional functioning of the Society until the dispute is adjudicated.

16. This Court also finds significance in the fact that the 2nd defendant himself is stated to have been elected Secretary at the same meeting. The rival claims therefore arise out of the same General Body Meeting and cannot be examined by isolating the claim of the applicant from the other resolutions said to have been passed at that meeting. The affidavit of the 9th defendant constitutes independent supporting material. Whether his evidence will ultimately be accepted is a matter for trial. At the present stage, however, it provides material corroboration, to the applicant's version. The communications exchanged subsequent to the meeting, including the

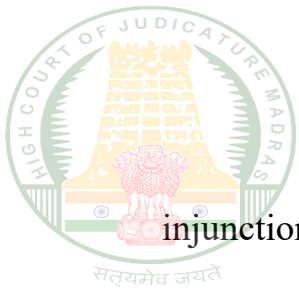


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communications dated 29.09.2025, 05.06.2026 and 06.07.2026 are also relevant circumstances. Though the parties differ on the interpretation and effect of those communications, their existence indicates that the dispute concerning the Administration and Office bearers of the Society has been continuing for considerable period. The applicant has therefore established not merely a speculative or tenuous case but a substantial case requiring adjudication. This Court is therefore satisfied that the applicant has raised a substantial and bona fide question requiring adjudication and, on the material presently available, has established a strong prima facie basis for seeking protection of the administration of the Society pending disposal of the suit. Having regard to the contemporaneous record and the supporting affidavit, this Court is satisfied that the applicant has established a strong prima facie case for the limited purpose of interim protection.

17. On the other hand, directing the 2nd defendant to act in accordance with the resolutions and the Bye-laws, and to function jointly with the alleged elected Office bearers pending adjudication, would not cause any comparable prejudice if ultimately the applicant's case to be incorrect. Any such interim arrangement can be modified or vacated by the Court on the basis of subsequent developments or final adjudication. Further, the Court must identify the course which carries the lower risk of irremediable prejudice and that an interlocutory



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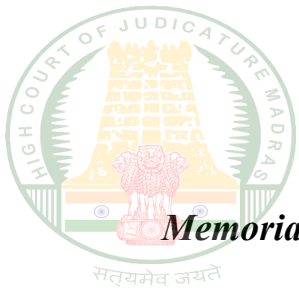
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injunction is intended to ensure that the ultimate adjudication does not become ineffective. The balance therefore lies in ensuring that the Society is administered collectively in accordance with its governing instruments rather than permitting unilateral administration by one of the rival parties.

18. Much emphasis has been placed by the 2nd defendant on the fact that the Chairperson did not sign the election record and that the original document was allegedly not retained in the records of the Society. These are undoubtedly matters which require consideration. However, at the interlocutory stage, the Court cannot treat every disputed circumstance as conclusively disproving the applicant's case. The absence of the Chairperson's signature may be relevant to the ultimate evidentiary value of the document. It does not, by itself, necessarily establish that the proceedings recorded therein never took place

19. Therefore, the fact that the election disputed is not a reason to leave the Society without effective judicial protection. On the contrary, it reinforces the necessity of maintaining an interim arrangement which prevents either side from unilaterally altering the position pending adjudication.

20. The learned Senior Counsel for the applicant has further relied upon the Full Bench Judgment of this Court in *C.M.S. Evangelical Suvi David*



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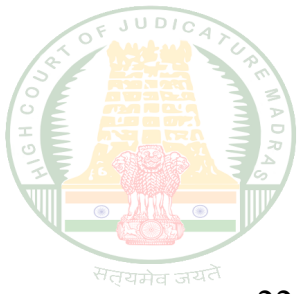
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Memorial Higher Secondary School Committee, Karisal, Though its Secretary

V. District Registrar, Cheranmahadevi, Tirunelveli District, reported in 2005

SCC Online Mad 238. The principle emerging from the said judgment is of particular relevance to the present controversy. The statutory authority / Registrar, while exercising the power relating to the particulars furnished by a Society, does not thereby acquire an unrestricted jurisdiction to adjudicate the ultimate validity of a disputed election or to direct a fresh election in a manner which would effectively set aside an earlier election. Questions concerning the validity of election and the right to hold office are matters which may require adjudication by the competent Civil Court upon evidence.

21.The notice dated 01.09.2026 convening an Annual General Body Meeting on 28.09.2026 is a subsequent event which has a direct bearing upon the interim relief sought. The Hon'ble Supreme Court in ***Om Prakash Gupta V. Ranbir B.Goyal***, reported in ***(2002) 2 SC 256***, has held that although ordinarily the rights of parties stand crystallised on the date of institution of the suit, the Court possesses the power to take note of subsequent events and mould relief where the original relief has become in appropriate, consideration of the subsequent event would shorten litigation and enable complete justice, and the subsequent event is brought promptly to the notice of the Court without taking the opposite party by surprise.



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22. Therefore, the subsequent notice dated 01.09.2026 cannot be ignored.

It is directly relevant because the proposed meeting is capable of altering the very subject matter of the present proceedings. If the resolutions dated 25.09.2025 are ultimately upheld at trial, permitting another meeting to constitute a competing set of office bearers in the meantime may create a situation where the Court would be required to undo a series of subsequent acts. Conversely, if the 2nd defendant's case ultimately succeeds, the interim arrangement can be modified or vacated and the parties can be placed in the position warranted by the final adjudication. The subsequent event therefore supports, rather than defeats, the need of an interim protective arrangement.

23. The principle stated in *Sarvottama Rao V. Chairman, Municipal Council, Saidapet* reported in *1923 SCC Online Mad 7*, is also instructive. The Court recognised that where the competent election authority has failed or decline to determine a question affecting the legal character or entitlement of a person to participate in an election, and no other efficacious remedy is available, the Civil Court can exercise jurisdiction and grant appropriate temporary protection so as to preserve the position until the suit is tried. The significance of the said decision in the present case is that the Civil Court's jurisdiction to preserve the subject matter pending adjudication is distinct from its ultimate



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jurisdiction to decide the validity of the election. The applicant is not seeking, at this interlocutory stage, a final declaration which would preclude the defendants from establishing their case at trial. What is required is an interim arrangement which prevents the disputed election from being rendered meaningless by unilateral administrative action or by the creation of a fresh competing electoral position.

24. Further, the balance of convenience has to be considered in the context of the institutional functioning of the 1st defendant Society. If the 2nd defendant alone continues to administer the affairs of the Society while the applicant's alleged election as Treasurer and the position of other office bearers are kept entirely in abeyance, and if in the meantime a fresh General Body Meeting is permitted to deal with the disputed offices, the applicant's claim may be substantially defeated before trial. The prejudice to the applicant in such an event cannot be adequately compensated by damages. The issue concerns the right to participate in the administration of a Society and the implementation of resolutions allegedly passed by its General Body.

25. On the other hand, directing the 2nd defendant to give interim effect to the resolutions dated 25.09.2025, subject to the final decision in the suit, does not confer an irrevocable right upon the applicant. The order merely regulates



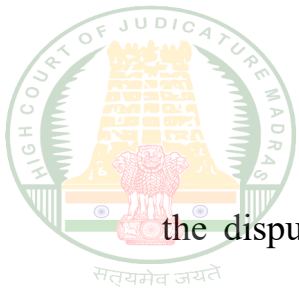
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the administration during the pendency of the litigation. The balance of convenience therefore lies in preserving and giving interim effect to the position evidenced by the resolutions dated 25.09.2025 rather than permitting a unilateral alteration of that position.

26.The applicant has also demonstrated the possibility of irreparable injury. The proposed Annual General Body Meeting dated 28.09.2026 assumes particular importance. If a fresh election is conducted and another set of office bearers is constituted, the dispute would no longer remain confined to the validity of the election dated 25.09.2025. Further, rights, obligations and administrative acts may arise from the subsequent process. The Court would then be faced with a substantially altered factual situation, thereby multiplying the disputes and complicating the final relief. The injury to the applicant is therefore immediate and pressing. The denial of interim protection may effectively deprive the applicant of the practical benefit of a favourable final judgment.

27.The present case presents a comparable interlocutory difficulty. If the Court simply declines relief on the ground that the prayer for interim relief substantially overlaps with the final prayer in the suit, the 2nd defendant would continue to administer the Society and a fresh General Body Meeting could alter



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the disputed position before the suit reaches trial. If, after several years, the applicant ultimately establishes that he was duly elected Treasurer and the 6th defendant as President on 25.09.2025, a declaration at that stage may have little practical value if, in the meantime, a subsequent election and consequential administrative acts have intervened. This is precisely the kind of situation in which the principle in Deoraj becomes relevant.

28.The facts of Deoraj are particularly instructive because that decision itself arose in an election context. The Hon'ble Supreme Court did not treat the identity between the interim and final relief as an absolute bar. It examined whether refusal of interim relief would render the ultimate adjudication ineffective and, on the facts before it, granted relief.

29.This Court is not granting the final relief merely because it is asked for. This Court is granting temporary protection because, without such protection, the final relief may be rendered practically ineffective. The present case therefore satisfies the higher threshold contemplated in Deoraj.

30. Further, this Court is not finally declaring the election dated 25.09.2025 is valid. Nor this Court finally rejected the contention of the 2nd defendant that the election was incomplete. This Court merely finds, on the



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material presently available, that the applicant's version has sufficient evidentiary support to warrant interim implementation and that the consequences of refusing protection would be substantially more serious than the consequences of granting it. The 2nd defendant remains entitled to establish at trial that the election was not completed, that the election record is not genuine or does not represent the proceedings, or that the resolutions are otherwise invalid. All such questions are expressly left open.

31.The relief, however, must be moulded so that it does not create an irreversible situation. The appropriate course is therefore not to issue an unconditional declaration that the applicant is finally and conclusively the Treasurer, but to direct that, pending disposal of the suit, the resolutions dated 25.09.2025 shall be given interim effect, including the resolution concerning the applicants, election as Treasurer, subject to the final adjudication.

32.The 2nd defendant shall accordingly not be permitted to administer the Society as though the resolutions dated 25.09.2025 had never been passed. At the same time, this Court is not inclined to paralyse the ordinary function of the Society. The Society shall continue to function in accordance with its Bye-laws and the elected Executive Committee / Office bearers shall perform their respective functions subject to the final adjudication. All major financial and



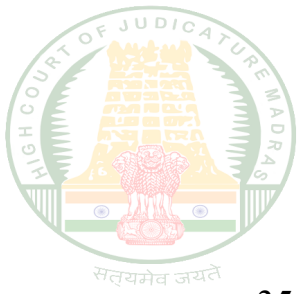
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administrative decisions shall be taken strictly in accordance with the Bye-laws and through the competent body prescribed therein.

33. In the circumstances, this Court is satisfied that an interim arrangement is necessary. At the same time, this Court is conscious that whether the Annual General Body Meeting dated 25.09.2025 validly concluded the election of the Office bearers, whether the election record represents the true proceedings of the meeting and whether the applicant was duly elected as Treasurer are matters to be finally decided on evidence.

34. However, for the purpose of the present application, the applicant has established a strong prima facie case. The contemporaneous election record, the supporting affidavit of the 9th defendant, the admitted holding of the Annual General Body Meeting and the surrounding circumstances together constitute sufficient material to warrant interim protection. The balance of convenience lies in maintaining collective Administration of the Society in accordance with the Bye-laws rather than permitting one disputed version of the election to be unilaterally implemented during the pendency of the suit. Refusal of interim protection would expose the applicant and the Society to a risk of continuing administrative changes which may render the final adjudication less effective. The injury is not adequately compensable in monetary terms.



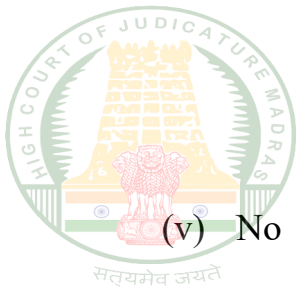
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35. Therefore, this Court considers that this is a fit case of granting interim mandatory relief, subject to the safeguards contained in this order.

36. Accordingly, A.No.3806 of 2026 is allowed with the following directions:

- (i) The 2nd defendant shall give effect, pending disposal of the suit, to the resolutions stated to have been passed at the Annual General Body Meeting dated 25.09.2025, including the alleged election of the Office bearers and Members of the Executive Committee, subject to the final adjudication in the suit;
- (ii) The applicant and other Office bearers shall be permitted to function as Treasurer, President, Secretary of the 1st defendant's Society, subject to the final result of the suit;
- (iii) Neither the 2nd defendant nor the applicant shall not exercise exclusive control over the affairs of the 1st defendant's Society and shall administer its affairs jointly with the allegedly elected Office bearers/ Executive Committee in accordance with the Bye-laws;
- (iv) The 2nd defendant shall convene meetings of the Executive Committee in accordance with the Bye-laws and shall give notice to the applicant and the other persons claiming election at the meeting dated 25.09.2025;



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(v) No substantial financial transaction, alteration of Society records, appointment/removal of Office bearers or employees, disposal or encumbrance of Society property, or other major administrative decision shall be undertaken except in accordance with the Bye-laws and the decision of the competent body of the Society.

(vi) The original records relating to the Annual General Body Meeting dated 25.09.2025, including the attendance register, election record, minutes, resolutions and books of account, shall be preserved intact and shall not be altered, removed or destroyed.

(vii) The Annual General Body Meeting proposed to be held on 28.09.2026 shall not, until further orders be acted upon for the purpose of superseding or nullifying the resolutions allegedly passed on 25.09.2025 or for creating a competing set of office bearers in respect of the disputed officers.

(viii) All observations made in this order are prima facie and shall not prejudice the parties at the trial. The validity of the election dated 25.09.2025, the authenticity and evidentiary value of the election record and the respective rights of the parties shall be finally determined on evidence.

37. This direction is not intended to prevent the Society from carrying out ordinary statutory or administrative functions which are not inconsistent with the interim arrangement. The above arrangements shall be purely interim and



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shall remain subject to the final decision in the suit. It is made clear that all other questions remain open for determination at trial. None of the observations made herein shall be treated as a final finding on these questions. The parties shall be at liberty to seek appropriate modification of the interim arrangement if any subsequent development warrants such modification. It is reiterated that the observations contained in this order are only prima facie findings for deciding the present application and shall not prejudice the adjudication of the suit on merits.

38. In view of the nature of the dispute and the continuing administration of a Society, the parties shall co-operate for early disposal of the suit. The interim arrangement shall remain in force until further orders or until disposal of the suit, whichever is earlier.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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