

ITEM NO.30

COURT NO.2

SECTION XII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 9731-9732/2022

(Arising out of impugned final judgment and order dated 08-04-2022 in CMP No. 6252/2022 and 21-04-2022 in CRPPD No. 1016/2022 passed by the High Court Of Judicature At Madras)

HIREN J. THAKKER & ORS.

PETITIONER(S)

VERSUS

PARUL V METHA & ORS.

RESPONDENT(S)

(FOR ADMISSION and I.R. and IA No.73066/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.73065/2022-EXEMPTION FROM FILING O.T. and IA No.73063/2022-PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Date : 30-05-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AJAY RASTOGI
 HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Ms./Mr. Udhaya P.S. Menon, Adv.
 Mr. B. Ragunath, Adv.
 Mr. Vijay Kumar, AOR

For Respondent(s) Mr. M.S. Vishnu Shankar, Adv
 Ms. Athira G. Nair, Adv
 Mr. Biju P. Raman, AOR

Mr. S. Gowthaman, AOR
 Ms. Muskaan Garg, Adv
 Ms. Jessica Bhardwaj, Adv
 Ms. Prerna Robin, Adv
 Ms. Divya Jyothi Singh, Adv

Mr. Ravi Shankar Jandhyala, Sr Adv
 Mr. Sriram P., AOR
 Mr. Michael Rao, Adv
 Mr. Pawan Kr. Dabas, Adv

UPON hearing the counsel the Court made the following
O R D E R

The present petitions have been filed assailing the order dated 8th April, 2022 followed with 21st April, 2022 passed by the High Court under its revisional jurisdiction under Article 227 of the Constitution.

It manifests from the record that the Annual General Body Meeting and election of Shree Coimbatore Gujarat Samaj had taken place pursuant to the process initiated on 22nd February, 2022, and in furtherance thereto the elections were held on 27th March, 2022 and results were pronounced, but because of the intervention made by the High Court the elected persons were not permitted to assume their office.

The civil suit was originally filed jointly by four plaintiffs, respondent nos. 1 to 4 herein on 11th March, 2022 before the elections were held. Two of them (plaintiff nos.1 and 4) later have ratified the election process and withdrew the suit filed at their instance.

After we have heard the learned Counsel for the parties, we are of the considered view that once the elections have been held and results were pronounced on 27th March, 2022, there appears no reason to restrain the elected persons to assume their office.

Without going into merits of the matter any further, this Court permits the persons who are elected in the election process held on 27th March, 2022 to assume their respective offices.

However, the persons who are aggrieved, they will be at liberty to question pre/post election process in accordance with law in the appropriate proceedings.

We further make it clear that the suit initially instituted, OS No. 250/2022 pending in the Court of III Additional District Munsif Court, Coimbatore has now become infructuous.

With these observations the Special Leave Petition stands disposed of.

Pending application(s), if any, shall stand disposed of.

(POOJA SHARMA)
COURT MASTER (SH)

(BEENA JOLLY)
COURT MASTER (NSH)