



CRP.Nos.3835 & 3840 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

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Order reserved on : 25.08.2025

Order pronounced on : 04.09.2025

CORAM

THE HON'BLE MR. JUSTICE P.B.BALAJI

CRP.Nos.3835 & 3840 of 2025
& CMP.Nos.20346, 20347, 20361 & 20364 of 2025

CRP.No.3835 of 2025:

Edappadi K.Palanisamy
Joint Coordinator
All India Anna Dravida Munnetra Kazhagam
Having headquarters at 226,
Avvai Shanmugam Salai,
Royapettah, Chennai – 600 014.

..Petitioner in
CRP.No.3835 of 2025

Vs.

1.S.Suriyamoorthy

2.The Authorised Signatory/Interim General Secretary
All India Anna Dravida Munnetra Kazhagam
Having headquarters at 226, Avvai Shanmugam Salai,
Royapettah, Chennai – 600 014.

3.O.Panneelselvam
Co-ordinator
All India Anna Dravida Munnetra Kazhagam
Having headquarters at 226, Avvai Shanmugam Salai,
Royapettah, Chennai – 600 014.

4.Dr.A.Tamilmagan Hussain
Presidium Chairman



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All India Anna Dravida Munnetra Kazhagam
Having headquarters at 226, Avvai Shanmugam Salai,
Royapettah, Chennai – 600 014.

5.C.Ponnaiyar
Party Organizing Secretary/Election Commissioner
All India Anna Dravida Munnetra Kazhagam
Having headquarters at 226, Avvai Shanmugam Salai,
Royapettah, Chennai – 600 014.

6.Munaivar Poolachi Jayaraman
Election Commissioner
All India Anna Dravida Munnetra Kazhagam
Having headquarters at 226, Avvai Shanmugam Salai,
Royapettah, Chennai – 600 014.

7.K.P.Munusamy
Deputy Coordinator
All India Anna Dravida Munnetra Kazhagam
Having headquarters at 226, Avvai Shanmugam Salai,
Royapettah, Chennai – 600 014.

8.R.Vaithilingam
Deputy Coordinator
Party Organizing Secretary
Thanjavur South District Secretary
All India Anna Dravida Munnetra Kazhagam
Having headquarters at 226, Avvai Shanmugam Salai,
Royapettah, Chennai – 600 014.

9.Dindigul C.Srinivasan
Party Organizing Secretary
Dindigul District Secretary
All India Anna Dravida Munnetra Kazhagam
Having headquarters at 226, Avvai Shanmugam Salai,
Royapettah, Chennai – 600 014.



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10.Sengottayan

Erode District Secretary

All India Anna Dravida Munnetra Kazhagam

Having headquarters at 226, Avvai Shanmugam Salai,
Royapettah, Chennai – 600 014.

11.Dhanapal

Former Speaker, Tamilnadu Legislative Assembly

All India Anna Dravida Munnetra Kazhagam

Having headquarters at 226,

Avvai Shanmugam Salai,

Royapettah, Chennai – 600 014.

..Respondents in

CRP.No.3835 of 2025

Prayer in CRP.No.3835 of 2025: Civil Revision Petitions filed under Article 227 of Constitution of India, to set aside the fair and decretal order dated 31.07.2025 passed in I.A.No.6 of 2023 in O.S.No.3541 of 2022 on the file of the IV Assistant City Civil Court, Chennai and consequently reject the plaint in O.S.No.3541 of 2022 on the file of the IV Assistant City Civil Court, Chennai.

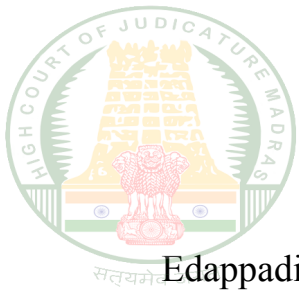
For Petitioner : Mr.N.Vijay Narayan
Senior Counsel
for Mr.K.Gowtham Kumar

For Respondents : Mr.M.Velmurugan
for Mr.Hari Perumal for R1

CRP.No.3840 of 2025:

1.Headquarters of AIADMK

Rep. by its General Secretary



CRP.Nos.3835 & 3840 of 2025

Edappadi K.Palaniswamy
All India Anna Dravida Munnetra Kazhagam
No.226, Avvai Shanmugam Salai,
Royapettah, Chennai – 600 014.

2.Edappadi K.Palaniswamy
All India Anna Dravida Munnetra Kazhagam
Having headquarters at 226, Avvai Shanmugam Salai,
Royapettah, Chennai – 600 014.

3.Dr.A.Tamil Magan Hussain
Presidium Chairman,
All India Anna Dravida Munnetra Kazhagam
Having headquarters at 226,
Avvai Shanmugam Salai,
Royapettah, Chennai – 600 014.

..Petitioners in
CRP.No.3840 of 2025

Vs.

1.S.Suriyamoorthy

2.O.Panneelselvam

..Respondents in
CRP.No.3840 of 2025

Prayer in CRP.No.3840 of 2025: Civil Revision Petitions filed under Article 227 of Constitution of India, to set aside the fair and decretal order dated 31.07.2025 passed in I.A.No.5 of 2023 in O.S.No.4909 of 2022 on the file of the IV Assistant City Civil Court, Chennai and consequently reject the plaint in O.S.No.4909 of 2022 on the file of the IV Assistant City Civil Court, Chennai.

For Petitioner : Mrs.Narmadha Sampath
for Mr.K.Gowtham Kumar



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CRP.Nos.3835 & 3840 of 2025

For Respondents : Mr.M.Velmurugan
for Mr.Hari Perumal for R1

COMMON ORDER

These revisions have been filed by the defendants in O.S.No.3541 of 2022 and O.S.No.4909 of 2022 on the file of the IV Assistant City Civil Court, Chennai, challenging the order of dismissal of applications filed by the revision petitioners in I.A.Nos.5 and 6 of 2023 in the respective suits, seeking rejection of the plaint.

2.I have heard Mr.N.Vijay Narayan, learned Senior Counsel for Mr.K.Gowtham Kumar, learned counsel for the petitioner in CRP.No.3835 of 2025, Mrs.Narmatha Sampath, learned counsel for Mr.K.Gowtham Kumar, learned counsel for petitioners in CRP.No.3840 of 2025 and Mr.M.Velmurugan, learned counsel for Mr.Hari Perumal, learned counsel for the 1st respondent in both revisions.

3.Mr.N.Vijay Narayan, learned Senior Counsel for the petitioners would state that the plaintiff has filed the suit claiming to be a member of All India Anna Dravida Munnetra Kazhagam (AIADMK) party from 2008. He would



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refer to the by-laws of the party and contend that the membership is for a period of five years and it has to be renewed by making a fresh application. He would further state that admittedly the plaintiff had opted to renew his membership in the year 2013, i.e 06.08.2013 and the membership has not been renewed after 2018. He would further state that the plaintiff is therefore not a member of the AIADMK party. He would also invite my attention to the admitted fact that the plaintiff contested in Edappadi constituency in the assembly elections under a different party, namely MGR Makkal Katchi, against, Mr.Edappadi K.Palaniswamy who contested the said election as the AIADMK candidate, under two leaves symbol.

4.The learned Senior Counsel would state that when admittedly the plaintiff is not even a member of the party, he has no locus to file the suit, seeking the reliefs against the office bearers of the party. He would also invite my attention to another suit that has been filed by the very same plaintiff, in O.S.No.3694 of 2021 on the file of the XXIII Assistant City Civil Court, Chennai, where he sought for permanent injunction to restrain the defendants 1 to 3 therein, from carrying out the internal party activities of AIADMK party in accordance with new party guidelines/by-laws created recently by the



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defendants 2 and 3, without due process of law. The said suit has been dismissed, pursuant to an order rejecting the plaint on 21.08.2025. Yet another suit in O.S.No.8122 of 2021 filed by the plaintiff seeking a mandatory injunction to direct the defendants to conduct election to the post of General Secretary was also dismissed, with the plaint being rejected on 21.08.2025. The other two suits in O.S.Nos.3541 and 4909 of 2022 are subject matter of the present revisions.

5.The learned Senior Counsel, Mr.N.Vijay Narayan, would also invite my attention to the judgment of this Court in C.S.No.352 of 2021 dated 19.09.2022. He would state that a similarly placed non-member, one K.C.Palaniswamy had filed the said suit in C.S.No.352 of 2021 and this Court held that the plaintiff has no locus to maintain the suit, being a non-member of the party and an outsider. This Court, applying the ratio laid down by the Hon'ble Supreme Court in *T.Arivanandam Vs. T.V.Satyapal and another*, reported (1977) 4 SCC 467, rejected and struck off C.S.No.352 of 2021 by allowing A.No.273 of 2022 filed by the defendants in the said suit. The learned Senior Counsel would invite my attention to the directions issued by this Court in paragraph No.27 of the said judgment, the same is extracted hereunder for easy reference:



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“27.The Assistant City Civil Court Judges to whom a copy of this order is forwarded are directed to examine the maintainability of the respective suits in the board relating to the 1st defendant and apply the Judgment in Arivanandam V. T.V.Satyapal, reported in (1977) 4 SCC 467, and exercise jurisdiction if it is within their scope to nip them in the bud, as directed in the said Judgment.”

6.The learned Senior Counsel would also state that considering the prayers that have been sought for in O.S.No.3541 of 2022, which is subject matter of CRP.No.3835 of 2025, the reliefs have become infructuous, in view of subsequent events and therefore, nothing survives for consideration in the said revision.

7.The primordial contention of the learned Senior Counsel, Mr.N.Vijay Narayan, to sum up, is that the plaintiff, having not renewed his membership after 2018, ceases to be a member of the AIADMK party and he has no locus to file the suit and seek for the reliefs that have been sought for in O.S.No.4909 of 2022. He would further state that the trial Court has misconstrued the application for rejection of the plaint and proceeded to dismiss the said application on erroneous and unsustainable grounds. The learned Senior Counsel, Mr.N.Vijay Narayan relied on the following decisions:



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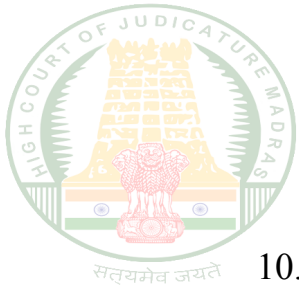
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1.Shipping Corporation of India Vs. Machado Brothers and Others ((2004) 11 SCC 168).

2.Gaiv Dinshaw Irani and Others Vs. Tehmtan Irani and Others ((2014) 8 SCC 294).

8.Adding to the submissions of the learned Senior Counsel, Mr.N.Vijay Narayan, Mrs. Narmadha Sampath, learned counsel for the petitioners in CRP.No.3840 of 2025, would state that after the expiry of the plaintiff's membership in 2018, he has not taken any steps till 2021 and admittedly, there has been no renewal of the membership of the plaintiff with AIADMK party. The learned counsel would also place reliance on the decision of the Hon'ble Supreme Court in *Thiru K.Palaniswamy Vs. M.Shanmugham and Others*, reported in *2023 SCC Online SC 177* in support of her contentions.

9.Per contra, Mr.M.Velmurugan, learned counsel appearing for the 1st respondent/plaintiff would fairly state that insofar as O.S.No.3841 of 2022 in respect of which CRP.No.3835 of 2025 arises, the reliefs have become infructuous and he would state that the 1st respondent/plaintiff has no objection for recording the said statement of the learned counsel and even dismissing the suit as not pressed, before this Court also.



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10. In view of the submissions made by Mr.M.Velmurugan, learned counsel for the 1st respondent, there is no requirement for me to go into the validity or legality of the order passed in I.A.No.6 of 2023 in O.S.No.3541 of 2022 and the suit is dismissed as not pressed, having become infructuous.

11. Mr.M.Velmurugan, countering the submissions of Mr.N.Vijay Narayan, learned Senior Counsel would state that membership does not depend on the membership card and he would state that the plaintiff's membership is valid and continues to subsist as on date. He would further state that the vision of the founder of the party is that primary members must be from the grass root level and inviting my attention to Rule 20(ii) and Rule 43 of the By-laws, he would contend that the vision of the founder of the party is now being undermined and therefore, the suit has been rightly instituted to ensure that the founder's ideology and vision is not given a go by. Referring to the by-laws and Rule 5 specifically, he would state that the membership is renewable on payment of a nominal sum of Rs.10/- and that non-payment of the same will not amount to membership itself ceasing to exist. Referring to Rule 35, Mr.M.Velmurugan would state that the by-laws contemplate in-house disciplinary proceedings and when such a mechanism available and unless



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action has been taken against the plaintiff, invoking the relevant by-laws, the plaintiff cannot be sent out of the party and it cannot be claimed by the defendants that the plaintiff is a non-member or that he has ceased to be a member of the party.

12.Regarding the decision in *K.C.Palanisamy's case*, Mr.M.Velmurugan would state that it was a case where admittedly the plaintiff therein was an expelled member and therefore this Court held that the litigation was vexatious and frivolous and the plaintiff therein had no locus, having been expelled already. He would state that the facts of the said case are entirely different and on a reading of the plaint in the present case, the suit is very well maintainable and the defendants cannot fall back on extraneous or subsequent events to seek rejection of the plaint. He would also state that the decision in *T.Arivanandam's case* would not apply to the facts of the present case.

13.I have carefully considered the submissions advanced by the learned Senior Counsel, Mr.N.Vijay Narayan in CRP.No.3835 of 2025, the learned counsel for the petitioners, Mrs.Narmadha Sampath in CRP.No.3840 of 2025 and Mr.M.Velmurugan, learned counsel for the 1st respondent in both the



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revisions. I have gone through the records, including the typed set of papers and decisions on which reliance has been placed on by the learned counsel for the parties, as well the orders impugned in CRP.No.3840 of 2025.

14.O.S.No.4909 of 2022 has been filed by the 1st respondent/plaintiff for the following reliefs:

“a) To pass decree and judgment declaring that the General Council and the Executive Council do not have the authority as per Rule 43 of the 2007 bylaws and introduce resolution Nos.3,4,5,6 and 7 passed on 11.07.2022 at the General Council and Executive Council Meeting of the AIADMK at Srivari Venkatachalapathy Palace, Vanagaram; and further declare that the said resolutions are null and void and that they are in contravention of the bylaws of the Party;

b) Permanent injunction restraining the Defendants or any other persons from functioning in pursuance of the amendments introduced on 11.07.2022 by the General Council and Executive Council”

In view of the maintainability of the suit being raised and argued by Mr.N.Vijay Narayan, learned Senior Counsel appearing for the petitioner in CRP.No.3835 of 2025 as well as Mrs.Narmadha Sampath, learned counsel for the petitioners in CRP.No.3840 of 2025, I proceed to first test whether the plaintiff has any locus to file the suit, seeking the above reliefs. It is contended by the counsel for the petitioners that the plaintiff ceases to be a member and he

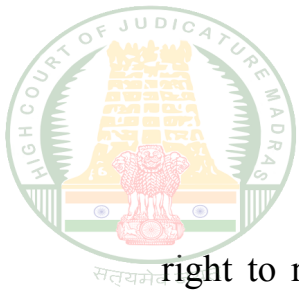


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does not have any locus to even file the suit and pray for the reliefs that have been sought for by him as extracted herein above.

15. For ascertaining the said position, I have to necessarily fall back on All India Anna Dravida Munnetra Kazhagam, Rules and Regulations, (Incorporating the Amendments passed by the party's Executive Committee meeting held on 30.12.2011). Rule 5 relates to membership and Rule 5(i) enables any male or female over 18 years of age and who accepts the aims and objectives, rules and regulations of the party and decisions of the party as final and also pledges to not resort to Court action, to be eligible to become a member of the party. In term of Rule 5(ii), persons who are found to be directly or indirectly connected or associated with any caste or communal or other political organization will forfeit their membership of the AIADMK. Rule 5(iii)(a) postulates that those who hold their membership cards issued by the headquarters of the party, will alone be recognized as members and that only from the date of issuance of the membership card, a member will become eligible to vote. Rule 5(vi) require every member to pay a membership fee of Rs.10/- every five years and that the said fee should be remitted along with the application for membership. Rule 5(vii) mandates that members shall have no



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right to resort to Court proceedings against party matters and if any member resorts to Court proceedings against the party's General Secretary's decision, then he/she shall cease to be a primary member of the party. The decision of the General Council has been made final with regard to party matters and only those who abide by this condition are even eligible to admission for membership. It is also seen that Rule 5(vii) postulates that members of Kazhagam are bound by the decision of the General Council.

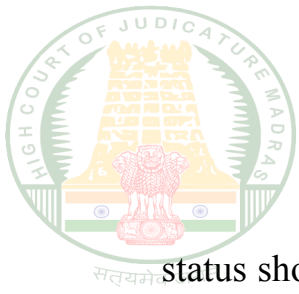
16. Therefore, from a reading of the rules regarding membership, what emanates is that the membership is primarily for a period of five years. The said membership is to be renewed by payment of a membership fee of Rs.10/-, along with an application for membership. In terms of Rule 5(iii)(a) only persons who hold membership cards issued by the headquarters of the party would even be recognized as members and be eligible to vote. Admittedly, the plaintiff, being fully conscious of the validity period of his membership, having become a member in 2008 initially, has chosen to apply for renewal of his membership and the same has also been given and consequently, the plaintiff has been a member of the party for a further five years from 2013 to 2018. Admittedly, after 2018, the plaintiff has not made any fresh application for membership, in line with Rule 5(iii) and (vi), leave alone not making payment of Rs.10/-.



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17. Not only has the plaintiff not renewed his membership, he has admittedly stood for elections and even contested against the candidate nominated by the AIADMK party itself, namely Mr. Edappadi K. Palaniswamy, in Edappadi constituency, in the assembly elections held in May 2021. It is therefore the contention of the petitioners that the plaintiff having switched loyalty to another party, cannot contend that he is still a member of AIADMK and therefore, he is entitled to maintain the suit in O.S.No.4909 of 2022. In this regard, it is contended by Mr. M. Velmurugan, learned counsel for the 1st respondent, that the plaintiff has contested the election only as an independent candidate and therefore, there is no conflict and it cannot be a ground to hold that the plaintiff has lost his entitlement to challenge the actions of the defendants, by way of instituting a civil suit.

18. It is seen from the typed set of papers, from the affidavit of the plaintiff, filed before the Election Commission of India, that the party name in respect of which the plaintiff has uploaded his application on 19.03.2021 for Edappadi assembly constituency is reflected as “MGR Makkal Katchi”. The said affidavit was uploaded on the same day i.e 19.03.2021 and the current



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status shows “accepted”. Form-26 is the affidavit signed by the plaintiff, where, at Part A(i), the plaintiff has stated that he has forged an alliance with MGR Makkal Katchi, a political party and he is proposing to contest the elections as an independent candidate. However, in the list of candidates, which has been downloaded from the official website of the Election Commission of India, the plaintiff is shown to be contesting under MGR Makkal Katchi and the status reflected in the website is also “accepted”. There are other candidates who have stood as independent candidates with no affiliation to any political party. Therefore, going by the records of the Election Commission of India, it is amply evident that the plaintiff has contested the assembly elections in 2021 only on behalf of MGR Makkal Katchi and not as an independent candidate.

19.The reference to Form-26, which is only a printed form is therefore of no avail. It thus clearly indicates two things. Firstly, the plaintiff has not evinced any interest to renew his membership, post 2018 with AIADMK party and there has been total inaction on his part, even after the expiry of the membership in 2018, for more than three years. Secondly, even in 2021, he has stood for elections as a candidate on behalf of MGR Makkal Katchi, opposing the AIADMK candidate, Mr.Edappadi K.Palaniswamy. The conduct of the



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plaintiff is therefore clear that the plaintiff has shifted allegiance from his former party, namely AIADMK and moved over to MGR Makkal Katchi. Strangely, despite all these, the plaintiff claims that he continues to be a member of AIADMK party and therefore asserts that he is entitled to maintain the suit as prayed for.

20.I am unable to agree with the submissions of Mr.M.Velmurugan, learned counsel for the 1st respondent, that the plaintiff has locus to file the suit, being a subsisting member of AIADMK party. Going back to the Rules, Rule 5(ii) clearly states that any person who has directly or indirectly is connected, or associated himself with any other political organization, will forfeit membership of AIADMK. Even assuming and agreeing with the submission of Mr.M.Velmurugan, without admitting, that the payment of Rs.10/- for renewal of membership is only a formality and non payment of the said renewal would not remove the plaintiff from membership of the party, even then, when admittedly the plaintiff has stood for elections in the year 2021 on behalf of MGR Makkal Katchi, opposing the candidate proposed by AIADMK for Edappadi constituency, the plaintiff has invited upon himself forfeiture of membership from AIADMK, in terms of Rule 5(ii).



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21. Though Mr.M.Velmurugan, learned counsel for the 1st respondent has invited my attention to the inbuilt mechanism available under Rule 35 which contemplates disciplinary proceedings against members, I find that the disciplinary proceedings are contemplated where any member has acted against the interest of the party or indulged in any action lowering the prestige of the party or disobeyed party's rules and regulations and decisions. In such eventualities, disciplinary action can be initiated against such errant members in the manner set out under Rule 35.

22. A reading of entire Rule 35 makes it clear that the rule pertains to disciplinary action being initiated against the members and therefore, it cannot be said that Rule 35 will also be a mechanism available to take action against the plaintiff and it should be invoked before removing him from membership. Such an argument is fallacious. As already discussed, under Rule 5(ii), the moment a member who affiliates himself with other political organization, then he forfeits his membership then and there. This coupled with the fact that the plaintiff who was fully conscious of mandate of Rule 5(vi) and having chosen to make an application and remit the requisite fee as required thereunder in the



year 2013, did not choose to re-do the said exercise in the year 2018, when the five year period lapsed, I am unable to accept the argument of Mr.M.Velmurugan that the membership would continue and non payment of Rs.10/- being a nominal renewal fee, non-payment of the same would not result in the member being disqualified. If Rule 5(vi) did not require the payment of Rs.10 along with an application for membership, the argument of Mr.M.Velmurugan may be acceptable, however, not so in the light of the requirement of Rule 5(vi).

23. Therefore, a proper and harmonious reading of the Rules, clearly indicates that the membership is valid only for a period of five years and the bylaws require a fresh application to be made for renewal at the end of the five year period, along with a payment of Rs.10/-. Admittedly, this has not been done by the plaintiff in the instant case and his subsequent conduct, after a lapse of three years, in contesting the 2021 elections as a candidate of MGR Makkal Katchi, as well, clearly goes to show that the plaintiff has no longer treated himself as member of AIADMK party.

24. Though Mr.M.Velmurugan, learned counsel for the 1st respondent contends that the application for rejection of plaint would have to go only by



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the plaintiff averments and the suit documents and nothing else and no subsequent event can be taken note of, the Hon'ble Supreme Court in *the Correspondent, RBANMS Educational Institution Vs. B. Gunashekar and Others*, reported in 2025 (3) CTC 619, has held as follows:

“17. At the same time, we are conscious of principle that only averments in the plaint are to be considered Under Order VII Rule 11 Code of Civil Procedure. While it is true that the Defendant's defense is not to be considered at this stage, this does not mean that the court must accept patently untenable claims or shut its eyes to settled principles of law and put the parties to trial, even in cases which are barred and the cause of action is fictitious. In *T. Arivandandam (supra)*, this Court emphasized that where the plaint is manifestly vexatious and meritless, courts should exercise their power Under Order VII Rule 11 Code of Civil Procedure and not waste judicial time on matters that are legally barred and frivolous. The present case falls squarely within this principle.”

25. This Court also, while dealing with the above suit, along with C.S.No.352 of 2021, has specifically directed the Trial Court to examine the maintainability of the suits and apply the decision of *Arivanandam's case* and exercise jurisdiction, if it is within the scope of the Trial Court to nip the suit in the bud. It is no doubt contended by Mr.M.Velmurugan that the ratio of the Hon'ble Supreme Court in *Arivanandam's case* would not apply to the facts of the present case, since formal reading of the plaint does not call for rejection of plaint. However, in view of the march of law and the recent pronouncement of the Hon'ble Supreme Court, it is well within the purview and powers of the

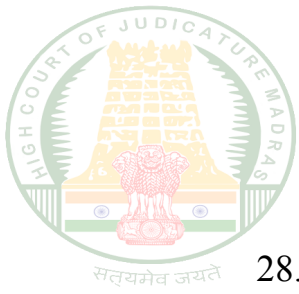


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Civil Court to look into the material events and if there is clear indication that the plaintiff has no cause of action or that the suit is frivolous, then it is open to the Court to reject the plaint at the nascent stage itself, as otherwise, it would result in an unnecessary and vexatious proceeding being forced upon the defendants.

26.Mr.M.Velmurugan, learned counsel for the 1st respondent would place reliance on the following decisions of this Court, (i) *M.Prince Manohar & Others Vs. Bheema Lakshmi Nalasimma and Others (2014 (1) TNCJ 360)* and (ii) *V.Bragan Nayagi Vs. R.R.Jayaprakasam and Another (CDJ 2015 MHC 3946)*, where this Court has held that when the issues involve disputed facts and mixed question of fact and law, Order VII Rule 11 of CPC cannot be invoked. He would therefore rely on the said decisions and state that the Trial Court has rightly dismissed the application for rejection of the plaint and the same does not call for interference.

27.In *Shipping Corporation of India's case*, the Hon'ble Supreme Court held that it is the duty of the court to look into subsequent events rendering the suit infructuous.



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28.In *Gaiv Dinshaw Irani's case*, the Hon'ble Supreme Court held that when the relief otherwise awardable on the date of commencement of the suit would become inappropriate, in view of changed circumstances, the courts may mould the relief in accordance with the changed circumstances for shortening the litigation or to do complete justice.

29.In *All India Anna Dravida Munnetra Kazhagam (presently known as All India Anna Dravida Munnetra Kazhagam (Amma) and V.K.Sasikala Vs. All India Anna Dravida Munnetra Kazhagam (Puratchi Thalaivi Amma) through its Office bearer and Others*, in A.S.Nos.337, 338 & 339 of 2022 dated 05.12.2023, the Hon'ble Division Bench of this Court, relying on the ratio laid down by the Hon'le supreme Court in *Shipping Corporation of India's case*, held that it is always open to the Court to put an end to infructuous litigation at any stage of proceedings and the provisions of Order VII Rule 11 of CPC are not exhaustive. The Hon'ble Division Bench further held that if it is established that the suit as it stands, cannot be retained on file, the Court is entitled to reject the plaint. Though the very same question as to whether a member ceases to be a member because of non renewal of membership after five years also cropped up before the said Division Bench, the said question was not answered by the



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Hon'ble Division Bench and the objection was alone recorded.

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30.In view of the ratio laid down by the Hon'ble Supreme Court and also the Division Bench of this Court, there is no embargo for the Court to take note of any material, including subsequent events to reject the plaint, especially when it is shown that the plaint does not survive for consideration.

31.Though elaborate submissions were also made with regard to the merits of the prayers sought for in the plaint and decisions of this Court as well as the Hon'ble Supreme Court were cited with regard to the disputes pertaining to the functioning of the party, I do not deem it necessary to go into these issues, having come to the conclusion that the plaintiff has no locus to file the suit, as he is no longer a member of the AIADMK party, post 2018 when his membership expired, after a lapse of five years from 2013, i.e 06.08.2013.

32.In fine, CRP.No.3840 of 2025 is allowed and the order dated 31.07.2025 in I.A.No.5 of 2023 on the file of the IV Assistant City Civil Court, Chennai is set aside and the plaint in O.S.No.4909 of 2022 on the file of the IV Assistant City Civil Court, Chennai, stands rejected. Insofar as CRP.No.3835 of



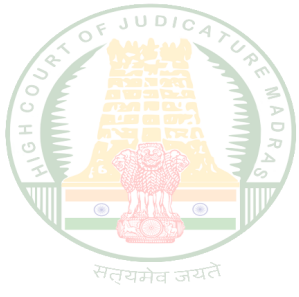
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2025, recording the submission of the counsel for the 1st respondent that the suit is being not pressed, CRP.No.3835 of 2025 is dismissed as infructuous.

There shall be no order as to costs. Connected Civil Miscellaneous Petitions are closed.

04.09.2025

Speaking/Non-speaking order
Index : Yes/No
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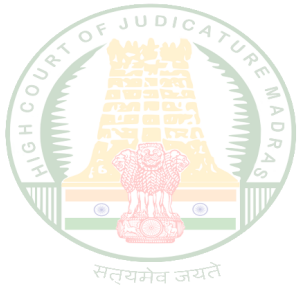


CRP.Nos.3835 & 3840 of 2025

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To

The IV Assistant City Civil Court, Chennai.



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CRP.Nos.3835 & 3840 of 2025

P.B.BALAJI.J.

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Pre-delivery order made in
CRP.Nos.3835 & 3840 of 2025
& CMP.Nos.20346, 20347, 20361 & 20364 of 2025

04.09.2025