

(2009) 10 MAD CK 0232

Madras High Court

Case No: C.R.P. (P.D.) No's. 1020, 1021 and 1022 of 2009 and M.P. No's. 1 of 2009

The Ootacamund Club

APPELLANT

Vs

H.S. Mehta

RESPONDENT

Date of Decision: Oct. 1, 2009

Acts Referred:

- Civil Procedure Code, 1908 (CPC) - Section 9
- Constitution of India, 1950 - Article 227

Citation: (2010) 1 MLJ 229

Hon'ble Judges: S. Palanivelu, J

Bench: Single Bench

Advocate: T.V. Ramanujam for R. Ramanlaal, for the Appellant; M.S. Krishnan for Sarvabhuman Associates, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

S. Palanivelu, J.

The allegations contained in I.A. No. 484 of 2008 (C.R.P.(PD). No. 1021 of 2009) in brief are as follows:

1.(a) The defendant Club was incorporated in the year 1889 under the provisions of Indian Companies Act 1882. The Articles of Association described the classes of members in detail. The business and affairs of the Club are to be maintained by a committee consisting of a President and 12 other members who are to be elected annually at every Annual General Meeting. The petitioner is a permanent member having been elected on 24.11.1994. He has been noticing that the bye laws of the Club was manoeuvred for the advantage of committee members and every time of such flouting of the rights and he used to bring the same to the notice of the committee. But they were dismissed as minor incidents. The secretary of the Club on 10.9.2001, while the petitioner was in the dance floor, demanded him to leave the

dance floor and wear his jacket. While the Club was celebrating the Planters Ball on that day and while dancing he had removed his jacket, the petitioner brought the conduct of the secretary to the President. Totally suppressing his complaint, the Club issued notice on 06.10.2001 on the strength of complaint by the secretary stating that an enquiry would be held on 22.10.2001. In spite of his unconditional apology, the Club suspended him on 27.10.2001 for three months.

1.(b) Yet another incident took place while passing of the accounts at the Annual General Meeting on 29.5.2004. The petitioner forwarded queries on 14.06.2004 as to the accounts. He brought the irregularities to the notice of the Registrar of Companies since he had raised the issue of accounts invoking Agenda -5. The committee of the Club had deliberately omitted this. His suggestion for incorporating changes in the bye laws has been met with a stony silence. Suggestions are to the effect that ordinary members could question the actions of committee members, hence they were not tabled before the Annual General Meeting.

1. (c) With reference to the Annual General Meeting to be held on 28.05.2005, the petitioner submitted his candidature to the post of committee member on 16.5.2005 together with his nomination signed by a proposer. He sent 65 proxy forms endorsed in his favour for the said Annual General Meeting. The secretary of the Club had endorsed that some of the proxies sent by the petitioner were revoked by the members. He has no authority to scrutinise and reject the proxy forms and it is only the responsibility of the scrutinising committee. The petitioner was declared as not elected in the said meeting. Again the petitioner lodged a complaint with the Registrar of Companies as to the commissions and omissions committed by the committee and brought out various discrepancies. The elections have not been held in a fair and proper manner.

1.(d) During the inspection several irregularities in the books of accounts have come to light and flagrant violations too. Out of 21 violations, the Club applied for compounding 12 offences of which 4 offences were compounded. On 16.09.2007, in the presence of President and other committee members, the staff of the Club served liquor from three outlets. In addition to this, the Club was collecting corkage as is borne out by the secretary's circular. The petitioner sought clarification from the president on this issue but of no avail and hence he was forced to approach Excise Department for clarification. He lodged a complaint with regard to the violation and since there was no response, he approached the High court, Madras, for direction and directions were issued in writ petitions filed by this petitioner.

1.(e) The complaints lodged against the Club by the petitioner are genuine and have resulted in their being subjected to departmental action. In order to victimise him for the activities, the Club issued a show cause notice on 24.9.2008. It is nothing else but an act of vindictiveness, since he has been pointing out severe violations and he also filed a suit. Hence, an Ad-interim injunction restraining the Club and its office

bearers, etc., in any manner initiating any actions against him.

2. In the counter filed by the defendant Club the following are stated:

2.(a) The petitioner filed O.S. No. 182 of 2008 which is for framing a scheme for the management and administration of the Ootacamund Club. Inasmuch as this suit is a follow-up of the same suit instituted earlier, this suit also suffers from illegality and non-maintainability, and it is liable to be dismissed in limine.

2.(b) The issuance of show cause notice is not in violation of any order of the court and in any event no injunction or stay order could be obtained. Law is very clear that taking of disciplinary action cannot be called into question in a civil court, more so in the nascent stage when only the show cause notice had been issued, and the petitioner has since been placed under suspension pending further disciplinary action under the bye laws of the Club.

2.(c) The prayer in the petition is not maintainable which is omnibus in nature and even the Almighty cannot grant such relief. The prayer is beyond the scope of the Honourable court and the petition is totally vexatious which seeks to interfere with the internal management of a private social club. The petitioner himself has stated in writing that he will not make use of the Club till further orders and the petition is infructuous and liable to be dismissed.

3. In the affidavit filed by the defendant Club in I.A. No. 501 of 2008 (C.R.P.(PD) No. 1022 of 2008), following are the grounds under which relief under Order 7 Rule 11 is prayed for:

The respondent as plaintiff has filed the above suit, which is clearly outside the scope of the Civil Court's jurisdiction for the following reasons:

- The suit seeks to interfere with the internal management of the Club, which is a private, social club and thereby violates the doctrine of "Indoor Management.
- The respondent as plaintiff has sought to air his personal grievances as if they are public grievances, and this is not contemplated by law;
- The respondent as plaintiff has filed the above suit as a clear off-shoot to O.S. No. 182 of 2008, which is the earlier suit, claiming that suit that the Court should form a scheme to administer the Petitioner Club herein. The said suit is therefore a misinterpreted version of Section 92 of the C.P.C., which in turn is applicable only to Public Religious and Charitable Trusts, and envisages the leave of the Court and has also to be filed in a representative capacity. Without following any of those procedures, the plaintiff has filed frivolous and per-se vexatious suits only to ventilate certain personal animosities.
- it has been repeatedly held by the Hon"ble Madras High Court other High Courts and the Hon"ble Supreme Court that "the conferment of the power to reject the plaint under Order 7 Rule 11 of the CPC is to ensure that a litigation which is

meaningless and abortive should not be permitted to occupy the time of the Court.

- The petitioner is a company and the Respondent/plaintiff's remedy, if any, lies elsewhere and not with the Civil Court, as the suit is not one of a "civil nature.

Hence, the Court may reject the plaint and strike out the same as it does not disclose any cause of action legal or factual, nor is it within the jurisdiction of the Court as it is not a suit of civil nature.

4. In the counter filed by the respondent/plaintiff the following are stated:

4.(a) The petitioner is a company, registered under the Companies Act and as per the Memorandum of Articles of Association of the petitioner, the petitioner is a legal entity by itself and one of the objects is to transact business in acquiring both movable and immovable properties and to generally invest the income in a prudent manner so as to generate further income among others. The suit in no way interferes with the internal management of the petitioner's company in so far as the petitioner abides by the statutory laws, the rules and regulations. Committee members and the President of the Club are attempting to settle their personal scores, by mis-using their position in the petitioner company and when the respondent questioned their acts in violating the statutory rules and regulations and laws.

4.(b) u/s 9 of C.P.C. the suit for declaration and consequential injunction is within the jurisdiction of the Court. When this respondent approached the Club of the petitioner time and again, to clarify certain vital aspects of the Memorandum and Articles of Association and the bye laws and when he failed, had approached the Registrar of Companies who also failed to redress the grievance of the respondent and hence the respondent has no other alternative except to approach the Court. All the allegations and objections of the petitioner are only issues to be tried in the main suit by the Civil Court after recording evidence and the same cannot be disposed off in this petition. Hence the petition has to be dismissed.

5. The allegations contained in the affidavit in I.A. No. 35 of 2009 (C.R.P.(NPD) No. 1020 of 2009) are as stated in the affidavit in I.A. No. 484 of 2009. The prayer is for a temporary injunction till the disposal of the suit restraining the respondent, its office bearers etc., from in any manner holding and conducting the Extra Ordinary General Meeting scheduled on 07.02.2009 solely to expel the petitioner/plaintiff from the membership of the respondent club.

6. In the counter filed by the Club it is inter alia stated that the petitioner is playing cat and mouse game with the Court. The Extra Ordinary General Meeting has to be called for the specific purpose of considering the expulsion of a member, who has been placed under suspension. The respondent Club is only following the mandate under the Articles of Association and Bye-laws and rules of a Club and its action cannot be questioned at any stage. The suit is premature. When the requisite

majority of the members should decide at the EGM that the petitioner should be expelled, he can challenge the decision thereafter as an "expelled member". He has now only a member under suspension and he continues to be a member till the requisite majority of members to decide. The suit is hit by the doctrine of indoor management. Hence the petition has to be dismissed.

7. The learned District Munsif, Udhagamandalam, after hearing both sides, allowed I.A. No. 484 of 2008 and 35 of 2009 and dismissed I.A. No. 501 of 2008. Aggrieved at the common Order passed by the Court below, the defendant Club is before this Court with these revision petitions.

8. The respondent has been a member in the petitioner's Club from 1994. The gist of the allegations contained in the plaint and affidavits for temporary injunction would go to show that he used to indicate irregularities and violations of the bye-laws of the Club by the Committee members and thereby he earned their wrath. The irregularities reportedly on the part of the committee members have been averred in the plaint with minute details and those aspects have been denied and it is pleaded that the civil court's jurisdiction is ousted.

9. Mr. T.V. Ramanujam, learned Senior Counsel for the petitioner would contend that inasmuch as the dispute raised by the respondent relates to the indoor management of the club, it would not come within the purview of jurisdiction of a Civil Court, that the plaint allegations do not at all show any cause of action, that there is no ground nor prima facie case made out by the respondent for grant of temporary injunction and that there is no need for the party aggrieved to avail alternative remedy of appeal in every case and the petitioner has got right to invoke jurisdiction of this Court under Article 227 of the Constitution.

10. Conversely, Mr. M.S. Krishnan, learned Senior Counsel for the respondent would state that the dispute alleged by the respondent is not at all within the indoor management or affairs of the club, that when an efficacious alternative remedy of appeal is available to the petitioner, without exercising such remedy he could not file the revision petition, that the plaint is full of particulars with reference to the causes of action and there is no valid ground to reject the plaint under the provisions of law and that the order challenged before this Court has been passed following appropriate decisions which does not called for any interference by the Court as it could not be termed to be perverse nor passed without jurisdiction. It is also his argument that the Civil Court has got jurisdiction u/s 9 of C.P.C to try the matter which jurisdiction is not at all ousted in view of the contentious issues raised in the suit.

11. A duty is cast upon this Court to decide as to whether this Court can see the propriety of the order passed by the Court below. If it is found that there is wrong exercise of jurisdiction or order was passed exceeding the jurisdiction of the Court and if it is perverse, this Court can interfere. Under Article 227 of the Constitution,

this Court has got every power to interfere with the orders passed by the Subordinate Courts and set aside them, while striking a note of caution by settled law that this Court cannot sit as a court of appeal over the factual aspects to be decided by an appellate court. The said proposition has been formulated by a Full Bench of the Apex Court in [Chandrasekhar Singh and Others Vs. Siya Ram Singh and Others](#), that the scope of interference by the High Court under Article 227 is restricted which has to be exercised most sparingly and only in appropriate cases in order to keep the subordinate courts within the bounds of their authority and not for correcting mere errors.

12. In [Bhagwan Das Jagdish Chander Vs. Delhi Administration](#), the Apex Court reiterated a view, stated in the earlier decisions and held that the power of superintendence under Article 227 of the Constitution cannot be invoked to correct an error of fact which only a superior court can do in exercise of its statutory power as the court of appeal and that the High Court cannot in exercise of its jurisdiction under Article 227 convert itself into a court of appeal.

C.R.P.(PD) Nos. 1020 and 1021 of 2009

13. The learned Senior Counsel for the petitioner would place much reliance upon a Full Bench decision of the Supreme Court in [T.P. Daver Vs. Lodge Victoria No. 363, S.C. Belgaum](#), wherein Their Lordships have held that the jurisdiction of civil court is rather limited; it cannot obviously sit as a court of appeal from decisions of such a body (masonic lodge); it can set aside the order of such a body, if the said body acts without jurisdiction or does not act in good faith in violation of principles of natural justice.

14. If the Court is able to find out that if the Club has not acted in good faith or acted in violation of principles of natural justice then as per the decision of the Apex Court, the civil Court would have jurisdiction to try the matter. Those are factual aspects which have to be appreciated on the appraisal of evidence on record.

15. A Division Bench of this Court in a decision reported in 2001 (3) CTC 349 [Chennai Kancheepuram Tiruvelore District Film Distributors Association v. Chinthamani S. Murugesan] observed that a person becoming member of a body is bound by the rules and actions taken by those in whom power is vested under such rules. In the above said case, T.P. Daver's case (supra) has been referred and followed.

16. The learned Senior Counsel for the petitioner also relied upon an unreported judgment of the Honourable Supreme Court in SLP No. 8587 of 2005 decided on 2.5.2005. The said SLP was dismissed at the admission stage. It is directed that in the matter of disputes relating to clubs, ordinarily civil courts do not interfere and the disputes should be left to be adjudicated upon by the internal mechanism provided by the constitution of the club. That case arose out of a dispute relating to election to the office of Governor in an international club known as "Rotary international". A suit was filed challenging the decision of the Rotary International in

a Civil Court and the temporary injunction was denied by the trial Court, but appellate Court granted the injunction. The High Court in exercise of its jurisdiction under Article 227 of the Constitution, set aside the order of the appellate court and restored the order of the trial court. The Supreme Court was of opinion that the view taken by the High Court in dismissing the revision is correct.

17. Adverting to the facts of the case, the present suit is not with regard to the disputes in election process. The main suit is for declaration that the bye-law as null and void and in consequence the show cause notice dated 24.9.2008 as null and void and for permanent injunction restraining the defendant club or others from initiating any action on the basis of the show cause notice until the disposal of the main suit. If the Court decides that the plaintiff is not entitled for any of the relief legally, then the Court may grant a limited relief on other prayer or mould the same. The question whether it is interference with indoor management of the Club, is left open to be agitated before the trial court since it is a mixed question of facts and law.

18. In [R. Lakshmipathy Vs. Madras Gymkhana Club](#), also this Court has followed the decision in T.P. Daver's case supra. This Court has found that the English decisions relied on by the learned Counsel for member of Gymkhana Club have no relevance since they enunciate only the principles that civil suit is maintainable, but the court's jurisdiction will be to consider how far the principles of natural justice or the relevant Rules have been violated, and not the power of the Club or Association to take disciplinary proceedings or to expel the member. As for the violation of relevant rules and natural justice, they are in the pleadings in plaint. Further, appeal has been preferred and decided by this Court in Lakshmipathy's case (supra). In the case on hand, the position is otherwise, there was no appeal. But revision is before this Court under Article 227 of the Constitution.

19. The learned Senior Counsel for the respondent would garner support from a Full Bench decision of the Supreme Court in [Dwarka Prasad Agarwal \(D\) by Lrs. and Another Vs. Ramesh Chandra Agarwala and Others](#), wherein it is held as follows:

22. The dispute between the parties was eminently a civil dispute and not a dispute under the provisions of the Companies Act. Section 9 of the CPC confers jurisdiction upon the civil courts to determine all disputes of civil nature unless the same is barred under a statute either expressly or by necessary implication. Bar of jurisdiction of a civil court is not to be readily inferred. A provision seeking to bar jurisdiction of a civil court requires strict interpretation. The Court, it is well settled, would normally lean in favour of construction, which would uphold retention of jurisdiction of the civil court. The burden of proof in this behalf shall be on the party who asserts that the civil court's jurisdiction is ousted. (See [Sahebgouda \(dead\) by Lrs. and Others Vs. Ogeppa and Others](#), Even otherwise, the civil court's jurisdiction is not completely ousted under the Companies Act, 1956.

The dispute narrated by the respondent is not a dispute under the provisions of the Companies Act. Hence u/s 9 of C.P.C., civil court is competent to try the issue.

20. In 1988 (64) Comp Cas 304 [Thiruvalluvar Velanmai Kazhagam (P) Ltd. v. M.K. Seethai Achi] also, this Court has taken a similar view.

The exclusion of the jurisdiction of the civil court is not to be readily inferred. Such exclusion must be either explicitly expressed or clearly implied. A provision of law ousting the jurisdiction of a civil court must be strictly construed and the onus lies on the party seeking to oust the jurisdiction to establish his right to do so.

In view of the above said decision it has to be necessarily held that the Civil Court has got jurisdiction to try the matter.

C.R.P.(PD) No. 1022 of 2009

21. This revision has been filed under Article 227 of the Constitution challenging the order passed in a petition filed under Order 7 Rule 11 of C.P.C. The learned Counsel for the petitioner would draw attention of this Court to a decision of this Court in [Nesammal and another Vs. Edward and another](#), in which it is held that in view of the decisions and arguments of the learned Counsel for the petitioner that unless the conditions are satisfied under Order 7 Rule 11 of C.P.C., the plaint cannot be rejected is without any basis and that the provisions of Order 7 Rule 11 are exhaustive and the Court has got inherent powers to see that the vexatious litigations are not allowed.

22. In [Azhar Hussain Vs. Rajiv Gandhi](#), it is held as under:

The Court has power to reject an election petition summarily under the provisions of the CPC. The purpose of conferment of such power is to ensure that a litigation which is meaningless and bound to prove abortive should not be permitted to occupy the time of the court and the concerned litigants are relieved of the psychological burden of the litigation so as to be free to follow their ordinary pursuits and discharge their duties. There is greater reason why in a democratic set-up, in regard to a matter pertaining to an elected representative of the people which is likely to inhibit him in the discharge of his duties towards the nation, the controversy is set at rest at the earliest if the facts of the case and the law so warrant. Since the Court has the power to act at the threshold the power must be exercised at the threshold itself in case the court is satisfied that it is a fit case for the exercise of such power and that exercise of such power is warranted under the relevant provision of law. It is therefore not possible to accept the contention that the powers to dismiss or reject an election petition or pass appropriate orders should not be exercised except at the stage of final judgment after recording the evidence even if the facts of the case warrant exercise of such powers, at the threshold.

23. The learned Senior Counsel for the respondent would cite [Popat and Kotecha Property Vs. State Bank of India Staff Association](#), in which it is held that disputed questions cannot be decided at the time of considering an application filed under Order 7 Rule 11 CPC. Clause (d) of Rule 11 of Order 7 applies in those cases only where the statement made by the plaintiff in the plaint, without any doubt or dispute shows that the suit is barred by any law in force. The Apex Court in (2008) 12 SCC 661 [Kamala and Ors. v. K.T. Eshwarasa and Ors.] has observed that Order 7 Rule 11 (d) of the Code has limited application. It must be shown that the suit is barred under any law, that what would be relevant for invoking Clause (d) of Order 7 Rule 11 of the Code are the averments made in the plaint and that the broad principle which can be culled out is that the court at the stage would not consider any evidence or enter into a disputed question of fact or law. In the event, the jurisdiction of the court is found to be barred by any law, meaning thereby the subject-matter thereof, the application for rejection of plaint should be entertained.

24. Division Bench of this Court in a decision [Wipro Limited, Thiru Vi Ka Industrial Estate and Wipro Chandrika Limited Vs. Oushadha Chandrika Ayurvedic India \(P\) Limited, Oushadha Chandrika Research Centre and Narayana Stores](#), has held as follows:

18. In our opinion, the learned single Judge is clearly in error in going beyond the statement contained in the plaint. It has been repeatedly held by the Supreme Court that for the purpose of deciding an Application under clauses (a) and (b) of the Order 7, Rule 11 of the C.P.C., the averments made in the plaint are germane; the pleas taken by the defendant in the written statement would be wholly irrelevant at that stage. (see [O.N. Bhatnagar Vs. Smt. Rukibai Narsindas and Others](#), ; Roop Lal Sathi v. Nachhattar Singh Gill 1982 (3) SCC 487 and [Sopan Sukhdeo Sable and Others Vs. Assistant Charity Commissioner and Others](#), .

25. The Apex Court in [Mayar \(H.K.\) Ltd. and Others Vs. Owners and Parties, Vessel M.V. Fortune Express and Others](#), has laid down principle that so long as the plaint discloses some cause of action which requires determination by the Court, the mere fact that in the opinion of the Judge that the plaintiff may not succeed, cannot be a ground for rejection of the plaint.

26. As has been noticed by this Court, the plaint has got sufficient pleadings with specific causes of action. While the plaint is read as a whole, it transpires that there are disputed questions of facts and contentious issues to be decided by the Court after appreciation of the evidence both oral and documentary on record and this stage is not one when the proceedings could be stopped and plaint be rejected.

27. As far as remedy available to a defendant who got defeated in a petition seeking rejection of plaint under Order 7 Rule 11 for not disclosing the cause of action is concerned, it is well settled that he has to prefer appeal since the said order would greatly prejudice the rights of the defendant who has to enter into ordeal of trial.

The Supreme Court in [Shah Babulal Khimji Vs. Jayaben D. Kania and Another](#), has held that an order refusing to reject the plaint, even though it keeps the suit alive undoubtedly decides an important aspect of the trial which affects a vital right of the defendant and must, therefore, be construed to be a judgment so as to be appealable to a larger Bench. It is concluded therein that the said order is appealable within the meaning of Clause 15 of Letters patent since the decision by the trial judge has gone adversely to the defendant on the application made by him for the rejection of plaint for want of disclosure of cause of action besides an important aspect of the trial affecting very valuable right of the defendant and even though the suit is kept alive such order has to be construed to be preliminary judgment.

27.(a) The above said decision has been followed by a Division Bench of Bombay High Court in [M.V. "Sea Success I" Vs. Liverpool and London Steamship Protection and Indemnity Association Ltd. and Another](#), .

27.(b) Any error reportedly committed by the Trial Court has to be corrected by the appellate Court in the matter of Order 7 Rule 11 which involves discussion of contentious issues of facts and this Court cannot sit as an appellate Court in exercise of power under Article 227.

28. Much was said about exhausting of alternative remedy of appeal by the party aggrieved. It is well settled principles that when an alternative efficacious remedy is available by preferring appeal, then the High Court cannot entertain the revision under Article 227 of the Constitution. The oft-quoted decision on this point is [A. Venkatasubbiah Naidu Vs. S. Challappan and Others](#), where it is held as follows:

18. Now what remains is the question whether the High Court should have entertained the petition under Article 227 of the Constitution when the party had two other alternative remedies. Though no hurdle can be put against the exercise of the constitutional powers of the High Court it is a well recognised principle which gained judicial recognition that the High Court should direct the party to avail himself of such remedies on or the other before he resorts to a constitutional remedy. Learned single judge need not have entertained the revision petition at all and the party affected by the interim ex-parte order should have been directed to resort to one of the other remedies. Be that as it may, now it is idle to embark on that aspect as the High Court had chosen to entertain the revision petition.

29. Identical view has been taken by this Court in the following decisions:

1. (2007) 5 MLJ 629 [M.V. Sachidanandam v. Prakash Kumar and Ors.]
2. (2007) 4 MLJ 451 [N. Yonus Sait v. T. Joseph]
3. (2006) 2 MLJ 619 [The T.N. Electricity Board v. S. Dharma Lingam]

30. The learned Senior Counsel for the petitioner would garner support from a decision rendered by me reported in 2009 (2) CTC 57 [Dindigul Pettai Sathangudi Shatriya Nadar Uravinmurai and Anr. v. Selvaraj Sundar and Anr.] in which I have followed the decision of the Honourable Supreme Court in [Surya Dev Rai Vs. Ram Chander Rai and Others](#), wherein 9 guidelines have been formulated to be observed by the High Court in ascertaining the vexatious and frivolous litigations and to exercise the supervisory jurisdiction under Article 227 of the Constitution of India. The relevant guideline in the decision goes thus:

(4) Supervisory jurisdiction under Article 227 of the Constitution is exercised for keeping the subordinate Courts within the bounds of their jurisdiction. When a subordinate Court has assumed a jurisdiction which it does not have or has failed to exercise a jurisdiction which it does have or the jurisdiction through available is being exercised by the Court in a manner not permitted by law and failure of justice or grave injustice has occasioned thereby, the High Court may step in to exercise its supervisory jurisdiction.

31. It is also decided in that case that in all the cases it need not be held that a particular party has to exhaust the alternative remedy and however every case depends upon its nature, facts and circumstances. As far as the present case is concerned, this Court does not find any wrong nor excessive exercise of jurisdiction on the part of the Court below and that the nature, facts and circumstances of this case do not warrant interference of this Court under Article 227. There is no impediment for the petitioner to prefer appeal and the appellate court has to correct the error stated to have been committed by the trial Court.

32. Following the dicta laid down by the Supreme Court in the decisions as stated above, this Court is of the considered view that there is no ground made out for this Court to invoke Article 227 of the Constitution since the order challenged before this Court is not perverse and any erroneous decisions if any at which the petitioner felt aggrieved, can be agitated in an appeal to be filed in a regular course, that in view of the presence of adequate allegations showing proper cause of action and the prayers and that the complaints are not barred by any law, the revision petitions are not maintainable which deserve to be dismissed.

33. In fine, all the Civil Revision Petitions are dismissed. No costs. Consequently, connected M.Ps. are also dismissed. The learned District Munsif, Udahgamandalam, is directed to dispose of O.S. No. 183 of 2008 preferably within three months from the date of receipt/production of copy of the order. The trial court shall not get influenced with any of the observations and findings of this Court contained in this order.