

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

C.R.P.No.3811 OF 2015

Between:

Pariti Chandrasekhar Rao,
S/o.Late Subrahmanyam,
Hindu, Aged 73 years, Chartered Accountant,
R/o.D.No.9-1-3-90, Gandhinagaram,
Anakapalle, Visakhapatnam District.Petitioner.

Versus

1. George Club (Regd.No.2/1935-36),
Chodavaram Road, Anakapalle,
Rep. By its Secretary.
2. D.V.Krishna Rao, Secretary,
George Club, Chodavaram Road,
Anakapalle, Visakhapatnam District.Respondents.

DATE OF ORDER PRONOUNCED : 11.07.2023

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE B.V.L.N.CHAKRAVARTHI

1. Whether Reporters of Local Newspapers
may be allowed to see the Judgment? Yes/No
2. Whether the copy of Judgment may be
marked to Law Reporters/Journals? Yes/No
3. Whether His Lordship wish to see the
fair copy of the Judgment? Yes/No

B.V.L.N.CHAKRAVARTHI, J

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! Counsel for the Petitioner : Sri K.V.Srinivasa Rao

^ Counsel for the Respondents : Sri T.V.S.Prabhakara Rao

< Gist:

> Head Note:

? Cases referred:

This Court made the following:

HON'BLE SRI JUSTICE B.V.L.N. CHAKRAVARTHI
CIVIL REVISION PETITION No.3811 OF 2015

O R D E R:

Heard Sri K.Srinivasa Rao, learned counsel for the revision petitioner and Sri T.V.S.Prabhakara Rao, learned counsel for respondents No.1 and 2.

2. The learned counsel for revision petitioner would submit that the revision petitioner is a member of the 1st respondent society, and he was removed from the roles of the society illegally by the 1st respondent society, and therefore, the revision petitioner filed an application U/s.23 of the A.P. Societies Registration Act, 2001.

3. The learned counsel for revision petitioner submitted that the 1st respondent society was registered under the provisions of A.P. Societies Registration Act, 2001; The revision petitioner is the member of the 1st respondent society; The revision petitioner was removed from the roles of the 1st respondent society illegally, and therefore, the revision petitioner filed an application U/s.23 of the A.P.Societies Registration Act, 2001 before the Prl.District Court, Visakhapatnam. He would further submit that the learned trial Judge erroneously held that the dispute relating to removal of a member from the roles of the

society will not come under Section 23 of the A.P.Societies Registration Act, 2001 and dismissed the petition.

4. The learned counsel representing the respondents would submit that the learned District Judge did not commit any irregularity, and rightly dismissed the application.

5. In the light of the above rival contentions, the point that arises for consideration in this revision petition is as under:

“Whether the Trial Court committed any irregularity in the Order, dated 31.03.2015 passed in O.P.No.254 of 2008 on the file of Principal District Judge, Visakhapatnam?”

6. **P O I N T:**

It is an admitted fact that the 1st respondent society expelled the revision petitioner from the roles of the society. The revision petitioner filed the petition before Prl.District Court, Visakhapatnam, U/s.23 of the A.P.Societies Registration Act 2001, challenging the act of the 1st respondent society.

7. It appears that the revision petitioner while challenging the act of the 1st respondent society, removing him from the roles of the society, also raised another issue regarding the amount due to him

from the 1st respondent society, for the services rendered by him in the capacity of an auditor of the society.

8. The learned Prl.District Judge, Visakhapatnam, while considering the dispute relating the amount due from the society to the revision petitioner, held that *“the said dispute will not fall U/s.23 of the A.P.Societies Registration Act, 2001 as the said dispute is with regard to payment payable to the revision petitioner in the capacity of an auditor, but not in the capacity of a member of the society”*. The learned District Judge further held that *“the dispute between the revision petitioner and the 1st respondent society regarding expulsion of the revision petitioner from the membership of the society will also not come under section 23 of the said Act”*.

9. The contention of the revision petitioner is that in the event of any dispute arising among the member of the society, in respect of any matter relating to the affairs of the society or any member of the society, the member may file an application under Section 23, in the District Court concerned and the said Court shall decide the issue.

10. The further contention of the revision petitioner is that the expulsion of a member from the roles of the 1st respondent society, which was registered under A.P. Societies Registration Act, 2001 is a

dispute arising between the society and member of the society, and therefore, it will come under the purview of section 23 of the Act.

11. In the light of above contention of revision petitioner, for better appreciation section 23 of A.P. Societies Registration Act, 2001 is extracted as under:

23. Dispute regarding management: –

“In the event of any dispute arising among the Committee or the members of the society, in respect of any matter relating to the affairs of the society, any member of the society may proceed with the dispute under the provisions of the Arbitration and Conciliation Act 1996 (Central Act 26 of 1996), or may file an application in the District Court concerned and the said court shall after necessary inquiry pass such order as it may deem fit.”

12. Section 23 of A.P. Societies Registration Act, 2001 says that when a dispute as mentioned in section 23 of the Act arises, it shall be resolved by means of arbitration under the Arbitration and Conciliation Act, 1996 or by an application filed in the District Court.

13. The dispute may be among the committee or the members of the society in respect of any matter relating to the affairs of the society. Therefore, any member may proceed with the dispute by filing an

application in the District Court under whose jurisdiction society is functioning.

14. In the case on hand, admittedly, the revision petitioner is a member of the 1st respondent society. He was expelled from the roles of the society by the 1st respondent society. Therefore, it is a dispute arising between member of the society and the society about affairs of the society. Therefore, the dispute can be entertained only by the District Court. It is needless to mention that the District Court as referred to U/s.23 of the Act is Principal Civil Court of original jurisdiction, where the society is registered.

15. In the light of above legal principles, this Court is of the considered opinion that the learned Prl.District Judge, Visakhapatnam, failed to exercise the jurisdiction vested with the Prl.District Court U/s. 23 of the A.P. Societies Registration Act, 2001.

16. In that view of the matter, the finding of the learned Prl.District Judge, Visakhapatnam, that the dispute relating to expulsion of member is not covered U/s.23 of the Act, shall be set aside. As a sequel, the matter must be remitted back to the Prl.District Court, Visakhapatnam, to consider the said dispute afresh and pass necessary orders as per law.

17. In the result, the Civil Revision Petition is allowed. The matter is remitted back to the Prl.District Court, Visakhapatnam, with a direction to consider the dispute between the revision petitioner and the 1st respondent society relating to the expulsion of revision petitioner from the membership of the society, afresh and pass orders as per law. The Prl.District Court, Visakhapatnam, shall dispose of the matter as expeditiously as possible, preferably within a period of six (06) months, from the date of receipt of copy of this order. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE B.V.L.N. CHAKRAVARTHI

11.07.2023.

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HON'BLE SRI JUSTICE B.V.L.N.CHAKRAVARTHI

C.R.P.No.3811 OF 2015

**Note: Mark L.R.Copy
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11th July, 2023

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