

**Kowtha Suryanarayana Rao Vs. Patibandla Subrahmanyam and ors.**

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**Court :** Chennai

**Decided On :** Oct-27-1939

**Reported in :** AIR1940Mad902; (1940)2MLJ330

**Appellant :** Kowtha Suryanarayana Rao

**Respondent :** Patibandla Subrahmanyam and ors.

**Judgement :**

Horwill, J.

1. The plaintiffs are five members of an Association called the Ram Mohan Roy Free Library and Reading Room Association, which was registered in 1914 under the Societies Registration Act, XXI of 1860. Defendants 1 to 9 are the members of the managing committee of that Association and the tenth defendant is a person who, according to the findings of the lower appellate Court, has given an unconditional gift of an upstairs room erected above the original premises of the Association. The managing committee has permitted the tenth defendant to have embedded in three wall-plates with the name 'Kowtha Suryanarayana Rao Public Hall' engraved. The plaintiffs have brought this suit to restrain the defendants from affixing plates of cast letters of this description or any other letters either cast, or written or of any kind except those bearing the words Ram Mohan Roy.

2. It is argued not only that the managing committee acted ultra vires in permitting the tenth defendant to place plates with this inscription on the walls of the upstairs room; but that the grant of such permission was ultra vires of the association itself. This last contention seems so ludicrous as not to need any argument to refute it. There is certainly nothing in the rules which prevents the association from naming any hall or room in any manner it pleases; and the giving of a particular name cannot be in contravention of any rules of the association relating to the aims and objects of the Society. If, as the tenth defendant alleged in his written statement, his gift had been subject to conditions, it might well be argued that those conditions were not in consonance with the objects of the association; but with that case of the tenth defendant we are not concerned, in view of the findings of the lower appellate Court that the gift was unconditional. It is a well-established principle that, provided that the acts of the management are within the powers of the Society itself, any dispute between individual members of the Society and those responsible for its management must be decided by the machinery provided by the rules and not in a Court of Law. If disgruntled members were allowed to air their domestic grievances in Court, orderly management of the affairs of societies and corporations would be impossible. If the Society as a whole does not approve of the acts of its management, it has every power by summoning a general meeting and passing a resolution to correct and control the acts of the management. In the suit Society the acts of the managing committee are

subject to the control of the general committee, of which every member of the Society is a member. It is only when an act is ultra vires the Society that a member is entitled to come to a Civil Court and have the act of the management which is ultra vires declared to be void.

3. The Courts below seem to have come to their conclusions on the assumption that this Ram Mohan Roy Free Library and Reading Room Association was a members' club; but it is clear that the Association is maintained not by mere subscriptions from its members but by donations; and it is therefore difficult to see how it can be a club. However, for the purposes of this appeal it is immaterial whether the society is a club or not; for even a member of a club cannot sue the management because it does some act of which he disapproved, provided of course that he is not personally damaged by expulsion or punishment or by loss to property of which he may be a joint owner.

4. The decisions of the Courts below are therefore wrong; and the matter in dispute being one that should be decided by the Association itself, the suit has to be dismissed. In order that the gift of this room and the inscriptions on it should not cause further disharmony between the members of the association, the tenth defendant is willing to delete the word 'Public' from the inscriptions. He undertakes through his advocate to do this within three months of this date. As the tenth defendant has given this undertaking, this appeal is allowed and the suit dismissed. The plaintiffs will pay the costs of the tenth defendant in this Court only.

5. Leave refused.

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