

In The City Civil Court, Madras.

I. A. in O. S. No. 5526/1974.

*E. Adikesava Pillai T. Aravamudhan
M. Poosalingam T. Ramanujam
V. S. Srikumar*

... PETITIONERS.

-Vs-

*Piloo Mody, President, Swatantra Party
Madhu Mehta, Vice-President,
Acting General Secretary
Dr. M. Santhosham, Joint Secretary,
All India Swatantra Party*

... RESPONDENTS

AFFIDAVIT OF V. S. SRIKUMAR

I, V. S. Srikumar, Son of Sadasiva Iyer, aged about 59 years, residing at No 8, Prasanna Vinayagar Koil Street, Purasawalkam, Madras-7, do hereby solemnly and sincerely affirm and state as follows:

1) I am the 5th plaintiff in the above suit and 5th petitioner herein. I am filing this affidavit both on behalf of myself and other petitioners. I crave leave to refer to the averments made in the plaint as part and parcel of this affidavit.

2) I state that we have filed the above suit for declaration and injunction, against Respondents 1 to 8 praying that this Hon'ble Court may be graciously pleased to hold that the intended or proposed dissolution of Swatantra party as stated in the circular dated 1-7-74 circulated amongst some of the members of the party at Madras is wholly unauthorised and that neither the National Council

at Delhi nor the General Council of the Swatantra party can recommend the dissolution of the Swatantra party as it is beyond the purview and scope of the Constitution framed for the Swatantra party.

3) I submit that the Swatantra party is a recognised political organisation and it is a National party and an All India organisation founded by such illustrious politicians and Statesmen like revered and respected leaders of stature of Sri C. Rajagopalachari, Sri K. M. Munshi, H P Mody and other illustrious economists and leading public men like Mr. M.R. Masani, etc. The dissolution of the party as contemplated in the circular, dated 1-7-74 is fraught with serious consequences and will affect the integrity and solidarity of the party and in the current political situation in the country, the two party systems as envisaged in the circular letter dated 16th April 1974 will not solve the political, socio-economic conditions of the Indian body politics at present. I protested against the dissolution both in my capacity as a member of the party as well as in my capacity of the Secretary of the Madras District Swatantra party, Member of the Tamil Nadu General Council of the Swatantra party by addressing several letters to the 1st defendant. I state that the plaintiffs/ petitioners herein are filing the above suit only in the representative capacity for and on behalf of themselves and other members of the party in Tamil Nadu Swatantra party, who have subscribed to the policies, ideals and ideologies of the party. There are as many as 8000 members on the rolls of the party and there are innumerable supporters for the party. In fact it has got as many as 5 sitting M.L.As and 2 M.L.Cs belonging to the party in the Legislatures of Tamil Nadu. If the proposed dissolution takes effect or the respondent are permitted to canvass

support therefore, it will create unnecessary confusion and disruption amongst the rank and file of the party. It is not in the interests of the public and the objectives of the party considerably would suffer. It will create chaos and confusion in the political set-up if the formation of the new party is attempted by dissolving the Swatantra Party. It will cause considerable disappointment to several persons, pledged to the ideals of the Swatantra Party.

4) In the interests of justice, it is therefore just and necessary, that this Hon'ble Court may graciously be pleased to grant leave to the petitioners to sue in representative capacity for and on behalf of the members of the Swatantra Party of Tamil nadu Unit and pass such further orders thereby render justice.

5) I further pray that this Hon'ble Court may be graciously pleased to direct issue of an interim injunction, restraining the respondents 1 to 3, their agents or supporters or subordinates from acting contrary to the Constitution of the Swatantra Party or in any manner seek to canvass or propagate the dissolution of the Swatantra Party, in any manner whatsoever by holding the proposed convention at New Delhi on 4th and 5th August, 1974 or deal with any member of the Swatantra Party concerning dissolution thereof, pending disposal of the above suit.

So'lemnly affirmed at Madras
this 2nd July 1974, and
signed his name in my presence of

Before me,

Identified by me

Mr. R. S. Venkatachari
COUNSEL FOR PETITIONERS

ADVOCATE
MADRAS

Pantheon

445430