



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

CIVIL CONTEMPT PETITION NO. 265 OF 2025

BETWEEN:

1. RAMKY ONE NORTH APARTMENT
OWNERS COOPERTIVE SOCIETY LTD
THROUGH ITS CHIEF EXECUTIVE
OFFICER - MR. MOHAN K
HAVING ITS OFFICE AT:
RAMKY ONE NORTH
DODBALLAPUR ROAD
YELAHANKA, BENGALURU - 560 064

...COMPLAINANT

(BY SMT. DURGEKAR SUJATHA VIDYADHAR., ADVOCATE)

AND:

1. MS. REKHA KANNAN
D/O LATE K.S. NARAYANA SWAMY
NO.A-001, RAMKY ONE NORTH
AVALAHALLI, DODDABALLAPURA ROAD
YELAHANKA, BENGALURU - 560 064
2. MS. VAISHALI PANKAJ SHARMA
D/O. MR. LALSHANKAR PUROHIT
NO.A-1202, RAMKY ONE NORTH
AVALAHALLI, DODDABALLAPURA ROAD
YELAHANKA, BENGALURU - 560 064

Digitally
signed by
VEERENDRA
KUMAR K M
Location:
High Court of
Karnataka



3. MS. CHITRA RAMANUJAM
D/O MR. V.T NARAYANAN
NO.A-502, RAMKY ONE NORTH
AVALAHALLI, DODDABALLAPURA ROAD
YELAHANKA, BENGALURU - 560 064
4. MS GARIMA PAUL
D/O COL SHIV GOVIND
NO.A-504, RAMKY ONE NORTH
AVALAHALLI, DODDABALLAPURA ROAD
YELAHANKA, BENGALURU - 560 064.
5. MS SREELAXMI JEERIGANUR
D/O MR. BASAVARAJAPPA
NO. A-1103, RAMKY ONE NORTH AVALAHALLI,
DODDABALLAPURA ROAD
YELAHANKA, BENGALURU - 560 064

...ACCUSED

(BY SMT. BEENA P K., ADVOCATE)

THIS CCC IS FILED UNDER SECTION 2(b) 11 AND 12 OF THE CONTEMPT OF COURT ACT, 1971 R/W ARTICLE 215 OF THE CONSTITUTION OF INDIA PRAYING TO INITIATE PROCEEDINGS FOR CONTEMPT OF COURT AGAINST THE ALLEGED CONTEMNORS FOR INTERFERENCE IN THE ADMINISTRATION OF JUSTICE, AND THE WILLFUL AND FLAGRANT DISOBEDIENCE OF JUDGEMENTS OF THE HON'BLE KARNATAKA HIGH COURT IN W.P. NO.25997/2023 DATED 22.01.2024 AND W.A.190/2024 DATED 23.09.2024 AND TO PUNISH THEM WITH MAXIMUM PENALTY IN ACCORDANCE WITH LAW & ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The complainant has filed the present complaint under Sections 11 and 12 of the Contempt of Courts Act, 1971, *inter alia*, praying as under:

"Initiate proceedings for contempt of court against the alleged contemnors for interference in the administration of justice, and the willful and flagrant disobedience of judgments of the Hon'ble Karnataka High Court in W.P.No.25997/2023 dated 22.01.2024 and W.A.No.190/2024 dated 23.09.2024 and to punish them with maximum penalty in accordance with law."

2. As apparent from the prayers made by the complainant, they allege that the orders passed by this Court have been disobeyed.

3. It is material to note that the aforementioned petition, W.P.No.25997/2023(CS-EL/M), was filed by the five individuals claiming to be the owners of apartments in a project named RAMKY ONE NORTH APARTMENTS, Avalahalli village, Yelahanka Hobli, Bengaluru North Taluk [**the apartment complex**]. Apparently, the apartment complex consists of 754 (seven hundred and fifty-four) apartments comprised in five blocks,



namely, Block A to E. There is some dispute between the apartment owners. It is stated that apartment blocks 'B' and 'C' are complete and rest of the blocks are incomplete.

4. It is apparent that some of the owners of the apartments have formed a co-operative society, namely, Ramky One North Apartment Owners Co-operative Society Ltd., [**the Society**]. According to the complainant, the Society is formed by the apartment owners of Blocks B and C, and the Society is entitled to discharge the function of maintaining the said blocks. In the aforesaid context, five individuals who, are apparently the owners of apartments other than Blocks B and C, had filed the said petition (W.P.No.25997/2023) seeking to challenge the public notice dated 07.11.2023 issued by the Returning Officer of the Society for holding the election of the office bearers of the society and excluding them from the electoral process. The said petition was dismissed on the ground that the election process had commenced and therefore it could not be stalled. Further, the Court had also noted that there was a dispute whether the writ petitioners had applied for membership of the Society or were eligible to become members. The Returning Officer was directed to issue a fresh



calendar of events to hold election to the Board of the Society. The relevant extract of the order dated 22.01.2024 passed by the learned Single Judge in W.P.No.25997/2023 is set out below.

"9. This Court has considered the contentions raised at the bar and perused the records.

10. Admittedly, the Writ Petition is filed after the publication of calendar of events. The position of law in this regard is well-settled. The elections should not be stalled after the calendar of events. The election proceedings have commenced. Form No.XII is issued on 07.11.2023. More than anything else whether the petitioners applied for the membership or not that itself is in dispute. Applications seeking membership is not produced before this Court. Whether the petitioners are eligible to become members or not, this again is the question to be decided by the Society. Even if the judgment of the Division Bench is to be accepted then the decision as to whether the petitioners are eligible to become members or not is to be decided by the promoters of the Society before the first meeting is convened. The promoters of the Society have not taken any decision. Before they could take a decision, the calendar of events have been published.

11. It is also relevant to note that assuming that the petitioners' applications are not received by the promoters and assuming that they have not passed an order and same amounts to deemed refusal of the petitioners' application, the petitioners have to question the same by filing an application under Section 105A of the Act of 1959.

12. Though it is permissible to accept the membership before the first General Body meeting post registration of the Society for some reason if the applications are not received and appropriate orders are not passed on the said applications, the remedy for the petitioners is to question the said order or



refusal to receive the applications before the authority under Section 105A of the Act of 1959.

13. Considering the facts of the present case, this Court is of the view that no case is made out to hear the Writ Petition on merits where the petitioners' claim to quash the notification dated 07.11.2023 issued under Form No.XII.

14. Accordingly, the Writ petition is dismissed.

15. Respondent No.5 shall issue fresh calendar of events to hold elections to the Board of 6th respondent-Society.

16. Notwithstanding the dismissal of the Writ Petition, in case the petitioners are able to establish that their applications have been rejected or not accepted by the authority, the petitioners are at liberty to avail such statutory remedy before the Appellate Authority. If such an appeal is filed, the same shall be decided in accordance with law without being influenced by the observations made in this Writ Petition.

17. This Court has not expressed anything on the merits of the claim made by the petitioners to be the members of the 6th respondent Society. This Court has only examined whether the notification dated 07.11.2023 is to be quashed at this stage or not."

5. The said writ petitioners filed an intra-court appeal, being W.A.No.190/2024(CS-EL/M), against the said order, which was also dismissed by this Court by an order dated 23.09.2024, for the reason that, it was reported that the elections had taken place and therefore the appeal had become infructuous. The said order is reproduced below.

"Learned advocate Mr. Rahul Dev. S. Deshamudre appearing online for the appellants stated that the elections have already taken place



and therefore the substratum of the writ appeal has become infructuous.

2. Learned Additional Government Advocate Smt. Niloufer Akbar for respondent Nos.1 to 3 has no objection in disposing of the writ appeal on the above ground. She confirms that the elections are held and the Board has become functional.

3. In view of the above statements, appeal will not survive. Accordingly, writ appeal is disposed of as infructuous.

In view of disposal of the appeal, pending interlocutory application would not survive and it is disposed of accordingly.

6. A plain reading of the present contempt petition indicates that according to the complainant, the cause of action appears to be filing of another writ petition being W.P.No.27821/2024, where four of the writ petitioners in the said petition are spouses of the writ petitioners in W.P.No.25997/2023. The accused have challenged formation of the Society. They claim that a co-operative society for maintenance of the apartment cannot be formed by only a few persons, as it is the obligation of the developer/builder to enable the formation of owners' association under the provisions of local laws. According to the accused, the project – the apartment complex – is a single project and the builder is required to form an association and hand over the maintenance and management of the apartment complex to one association. The prayers sought by the accused in the said writ petition are set out below:



"WHEREFORE, based on the above facts and circumstances and the grounds mentioned therewith, the Petitioners herein pray that this Hon'ble Court may be pleased to:

I. Issue a Writ of mandamus directing the Respondent No.2 Deputy Registrar of Co-operative Society to consider the Representation letters dated 06/09/2024 (ANNEXURE-A),

II. Issue a Writ of Certiorari to cancel/quash the impugned Order of registration of the Respondent No.4, bearing Registration Certificate No.ARB-44/REGN/21/54506/2023-24 dated 19/10/2023 Issued by the Respondent No.2 Assistant Registrar of Cooperative Society (ANNEXURE-D),

III. Issue a Writ of Prohibition or any other writ to prohibit the Respondent No.4, Society from representing themselves as the Association of the 'Ramky One North' Apartment project and from seeking handover of the Apartment Complex and the common areas belonging to the Petitioners and other Apartment Owners and from collecting the maintenance charges or any other funds from the Apartment Owners and;

IV. Issue direction or order to the Respondent No.5 Builder to enable the formation of an Association under the Karnataka Apartment Ownership Act, 1972 in the Ramky One North Apartment Complex to entrust the maintenance and management of the Ramky One North Apartment Complex.

V. Grant such other reliefs that this Hon'ble Court deems fit to grant in the circumstances of the case, to the Petitioners, in the interest of the justice."



7. We are unable to accept as to how filing of a writ petition by the accused, even though their husbands had filed an earlier writ petition-can be considered as disobedience of the orders passed in W.P.No.25997/2023 and W.A.No.190/2024. However, the complainant alleges that the accused are precluded from raising any challenges to the formation or functioning of the Society, as W.P.No.25997/2023 was dismissed and it was recorded that the society is functioning. They contend that the challenge to the Society stood concluded.

8. We find that the aforesaid contention is bereft of any merit. The subject matter of W.P.No.25997/2023 and W.P.No.27821/2024 are materially different.

9. They submit that the question, whether the conduct of the accused is contumacious, does not necessarily involve disobedience of any directions. They contend that failure to disclose any material facts would amount to contempt of Court. They also contended that, the writ petition filed by the accused is barred by principles of *res judicata*, since their husbands had filed an earlier writ petition.



10. The learned counsel referred to the decision of the Supreme Court in the case of **Celir LLP v. Mr. Sumati Prasad Bafna and others**¹. They submitted that the complainant was harassed and the board members of the Society were also physically attacked by the developer of the project. Allegedly, the security personnel who had been provided by the builder had not lent any assistance. It is submitted that the Club house of the complex was closed and the complainants were prevented from using the same.

11. We are unable to accept that the decision in **Celir LLP** (*supra*) is applicable in the present case. In the said case the Court had referred to the 'Henderson Principle' which require that all claims and issues that could have been raised in the previous litigations ought not to be raised in subsequent proceedings. The court noted that "it was an extended form of *res judicata*, popularly known as *constructive res-judicata*".

12. In the present case, prima-facie, we are unable to accept that filing of W.P.No.25997/2023 would constitute as a *constructive res judicata* in respect to the issues that are raised in W.P.No.27821/2024. However, it is not necessary for this Court to

¹ 2024 INSC 978



examine the same in these proceedings, because filing the second petition, clearly, does not amount to contempt of court. Clearly there is no scope for initiating proceedings for contempt of court against the accused. Undoubtedly, there are disputes pending between the parties and it would be apposite for us to refrain from making any observations in that regard. The scope of the present proceedings are confined to examining whether any proceedings under the provisions of the Contempt of Courts Act, 1971, are warranted.

13. The learned counsel for the complainant is correct in his submission that in some cases concealing of prior litigations may amount to contumacious conduct. However, it is difficult to accept that failure on the part of some of the accused to disclose in their petition that their spouses had filed a petition challenging the elections to the Society, would amount to contempt of court.

14. We find that the complainant has failed to disclose that they had filed a contempt petition being CCC.No.260/2025 (Civil) against the Builder (Authorized Signatory of Ramky Estates and Farms Ltd.). It is material to note that the complainant's allegations in the said complaint were similar to those made in the present



petition. The complainant alleged that the accused in that case had violated the order dated 22.01.2024 passed by the learned Single Judge of this Court in W.P.No.25997/2023, as well as the order dated 23.09.2024 passed by this Court in W.A.No.190/2024. This Court had dismissed the said contempt petition for the reasons that no positive directions had been issued in the orders, the disobedience of which was alleged, and the contempt petition was not liable to be entertained. The dispositive part of the said order dated 15.04.2025, reads as under.

"4. The present contempt petition is filed in respect of alleged non-compliance of the above orders.

5. From either of the above orders, whether of learned Single Judge or of the Division Bench in the writ appeal, learned advocate Smt. Durgekar Sujatha Vidyadhar for the complainant was unable to point out any positive direction for non-compliance of which the contempt could be alleged. In absence of any positive direction, the contempt petition is not liable to be entertained. For exercising the contempt power, there has to be positive direction required to be complied with by the respondents.

6. It may be noticed that in the order of the Division Bench, it is unequivocally stated, "the elections are held and the Board has become functional". The above statement of law already stands in the order to operate to its logical end. However, no case is made out to exercise the contempt jurisdiction.



7. The petition is accordingly not entertained and stands dismissed."

15. It is apparent that the said reasoning would be equally operated in the present case. We have little doubt that the complainant had concealed the said order for the said reason.

16. In the given facts, the contempt is closed.

17. Considering that the complainant had failed to disclose that it had filed a contempt petition on similar lines which had been rejected, and the time consumed by the learned counsel for the complainant, we also consider it apposite to impose cost of ₹5,000/- (Five Thousand only) to be deposited by the complainant with the High Court Legal Service Committee, High Court of Karnataka, Bengaluru, within a period of two weeks from date.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**

KMV
List No.: 2 SI No.: 21