



WEB COPY



O.S.A.No.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2026

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN
and
THE HONOURABLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

O.S.A.No.118 of 2026

1. Mahendra Babu PJ
S/o.Jagannathan P
Door No.111/2, Five Star Apartments,
Padikuppam Road, Anna Nagar West,
Chennai – 600 040.
2. AK Mohammed Hussain,
S/o.KA Abdul Kuddus,
Door No.114/16, Five Star Apartments,
Padikuppam Road, Anna Nagar West,
Chennai – 600 040.

... Appellants

Vs.

1. Five Star Apartments Owners Welfare Association,
Anna Nagar West, Rep. by its President-Mr.Vilvanan,
Padi Kuppam Road, Anna Nagar West,
Chennai – 600 040.
2. The Executive Committee,
Five Star Apartments Owners Welfare,
Association – Anna Nagar West,
Represented by its President-Mr.Vilvanan,
Padi Kuppam Road, Anna Nagar West,
Chennai – 600 040.



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3. S.Vigneshwaran

Door No.112/23, Five Star Apartments,
Padi Kuppam Road, Anna Nagar West,
Chennai – 600 040.

4. V.Hariharan

Door No.113/14, Five Star Apartments,
Padi Kuppam Road, Anna Nagar West,
Chennai – 600 040.

5. J.Chidambara Perumal

Door No.114/4, Five Star Apartments,
Padi Kuppam Road, Anna Nagar West,
Chennai – 600 040.

6. K.Rajagopal

Door No.114/21, Five Star Apartments,
Padi Kuppam Road, Anna Nagar West,
Chennai – 600 040.

7. J.Manoj

Door No.115/29, Five Star Apartments,
Padi Kuppam Road, Anna Nagar West,
Chennai – 600 040.

8. M.Raju

Door No.114/33, Five Star Apartments,
Padi Kuppam Road, Anna Nagar West,
Chennai – 600 040.

9. DEC Infrastructure and Projects (India) Private Limited,
Represented by its Authorised Signatory,
having its registered office at,
47/370, 15th Main Road,
Kathiravan Colony, Anna Nagar,
Chennai – 600 040.



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10. M/s.Sai Sravanthi Infra Projects Private Limited,
Represented by its Authorised Signatory – P.Saikumar,
having its registered office at 9-B,
Akcet Towers, TSD Velan Nagar Main Road,
Arumbakkam, Chennai – 600 106.

... Respondents

Prayer: This Appeal is filed under Order XXXVI Rule 9 of Original Side Rules r/w Clause 15 of the Letters Patent to set aside the fair and decreetal order dated 07.08.2025 passed in A.No.3888 of 2025 in C.S.No.167 of 2023 and consequently uphold the original order dated 18.12.2023 passed in C.S.No.167 of 2023.

For Appellants : Mr.T.Gowthaman, Senior Counsel for
Mrs.S.Kanagapriya

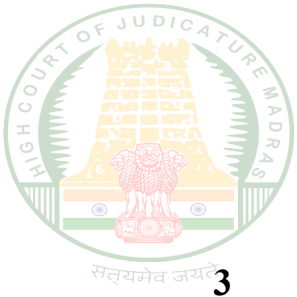
For Respondents : Mr.S.Ilamuhil for Caveator/R1

JUDGMENT

(Judgment of the Court was made by P.VELMURUGAN, J.)

The appellants are the plaintiffs, who filed the suit in C.S.No.167 of 2023 for perpetual injunction, mandatory injunction and to appoint an Advocate/Judge Commissioner to implement the decision of the General Body dated 30.10.2022.

2 The learned Single Judge vide judgment and decree dated 18.12.2023, disposed of the suit by appointing Mr.T.Mohan, learned Senior Counsel, as an Advocate Commissioner to select the builder for demolition and reconstruction of the Five Star Apartments.



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3 Thereafter, the appellants, being the flat owners of the respective flats in Five Star Apartments, sought for clarification in the judgment and decree dated 18.12.2023, by filing an application in A.No.3888 of 2025 and the learned Single Judge vide order dated 07.08.2025 clarified the issue, against which, the appellants are before this Court with the present Original Side Appeal.

4 It is the main contention of the learned Senior Counsel for the appellants that the Advocate Commissioner, who was appointed by this Court, is overruling the maximum number of Members of Association.

5 It is seen that the appellants filed the suit, which was disposed of vide judgment dated 18.12.2023, in which, the appellants, after two years of the said judgment, again filed an application seeking clarification. The learned Single Judge, vide order dated 07.08.2025 clarified the issue sought for by the appellants.

6 Now the appellants, without challenging the judgment and decree dated 18.12.2023 passed in the main suit, filed this appeal challenging the order dated 07.08.2025, passed in the application filed by the appellants seeking clarification.



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Therefore in our considered view without challenging the main judgment and decree passed in the suit in C.S.No.167 of 2023, dated 18.12.2023, the appellants cannot challenge the clarification order dated 07.08.2025, which has been passed in the application filed by the appellants seeking clarification and hence this Original Side Appeal is not maintainable.

8 Accordingly this Original Side Appeal stands dismissed as not maintainable. No costs.

[P.V. J.,] [K.G.T. J.,]
13.07.2026

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