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CRP Nos. 1995 & 2673 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CRP Nos. 1995 & 2673 of 2026

and

**CMP No. 11637 of 2026, CMP No. 11279 of 2026
& CMP No. 8905 of 2026**

CRP No.1995 of 2026

Praveen Kumar

Petitioner(s)

Vs

1. Sumalatha

2. Bharathidasan Colony 642 Flat Owners Welfare Association
Secretary, Bharathidasan Colony 642 Flat Owners Welfare Association,
C. Meenakshi Sundaram,
No.11, 5th Main Road, Bharathidasan Colony,
K.K.Nagar, Chennai 600078

3. Behin Sam

4. C. Meenakshi Sundaram

5. Mohammad Jamal

Respondent(s)

PRAYER Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the docket order dated 26.03.2026 passed by the XVII Assistant City Civil Court, Chennai in IA.No.4 of 2026 in OS.No.4863 of 2025.



For Petitioner(s): Mr.K.Kannan
For Respondent(s): Mr.N.L.Raja
Senior Counsel for
Mr.D.Ferdinand for
M/s.BFS Legal for R1
Mr.P.V.Muralidar for R2 to R4
No Appearance for R5

CRP No. 2673 of 2026

Sumalatha

Petitioner(s)

Vs

1. Bharathidasan Colony 642 Flat Owners Welfare Association,
Secretary, Bharathidasan Colony 642 Flat Owners Welfare Association,
Mr.C.Meenakshi Sundaram, No.11, 5th Main Road,
Bharathidasan Colony, K.K.Nagar, Chennai-600 078.

2.Behin Sam,

3.C.Meenakshi Sundaram,

Respondent(s)

PRAYER Civil Revision Petition filed under Article 227 of the Constitution of India, to strike out IA No.3 of 2025 in IA No.2 of 2025 in OS No.4863 of 2025 on the file of the XVII Assistant City Civil Court, Chennai.

For Petitioner(s): Mr.N.L.Raja
Senior Counsel for
Mr.D.Ferdinand for
M/s.BFS Legal

For Respondent(s): Mr.K.Kannan
Mr.P.V.Muralidar for R1 & R2
Mr.K.Venkatesan for R3

**COMMON ORDER**

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CRP No.2673 of 2026 has been filed to strike out I.A.No.3 of 2025 in I.A.No.2 of 2025 in O.S.No.4863 of 2025 on the file of the XVII Assistant City Civil Court, Chennai.

2.CRP No.1995 of 2026 has been filed to set aside the docket order dated 26.03.2026 passed by the XVII Assistant City Civil Court, Chennai, in IA No.4 of 2026 in O.S.No.4863 of 2025.

3.The petitioner in CRP No.2673 of 2026 is the plaintiff in the suit filed in OS No.4863 of 2025, wherein the plaintiff has sought for the relief of declaration to declare the notice dated 30.07.2025, issued by the 2nd and 3rd respondents calling for the Extraordinary General Meeting (EGM), as null and void and for permanent injunction.

4.The petitioner in CRP No.1995 of 2026 is the proposed party, who has filed I.A.No.4 of 2026 seeking for impleadment as a party in O.S.No.4863 of 2025.

5.The defendants in the suit filed IA No.3 of 2025 for a direction to permit the neutral election observer to conduct the election on 24.08.2025, to



count the votes polled and to declare the results. This application filed by the defendants has been put to challenge in CRP No.2673 of 2026.

6.When the matter came up for hearing on 26.03.2026, the Court below heard the counsel on either side in the Interlocutory Applications and posted the matter for orders on 07.04.2026. This proceeding has been put to challenge in CRP No.1995 of 2026.

7.Heard the learned Senior Counsel in CRP No.2673 of 2026 and the learned counsel in CRP No.1995 of 2026 for the respective petitioners, and the learned counsel for the respondents, and carefully perused the materials available on record, and this Court also carefully went through the order passed by the Court below.

8.The main ground that was urged by the learned Senior Counsel appearing on behalf of the petitioner in CRP No.2673 of 2026 is that IA No.3 of 2025 is wholly misconceived and it is not maintainable in law, since the application has been filed under Section 151 of C.P.C., and that Section 151 of C.P.C., cannot be applied in order to grant every conceivable order and it is not a repository of all the reliefs that can be granted as sought for by the parties. In view of the same, it is contended that the interlocutory application filed in IA



No.3 of 2025 is beyond the jurisdiction of the Court to deal with and hence, it has to be struck off under Article 227 of the Constitution of India.

9.The learned Senior Counsel in order to substantiate his submission relied upon the following judgments:

1.*Manohar Lal Chopra vs. Rai Bahadur Rao Raja Seth Hiralal* reported in *AIR 1962 SC 527*.

2.*Nainsingh vs. Koonwarjee and others* reported in *1970 2 ALT (S) 297*.

3.*My Palace Mutually aided Co-operative Society vs. B.Mahesh and others* reported in *2022 Live Law (SC) 698*.

10.In the course of arguments, the learned Senior Counsel also suggested that, instead of making this litigation more complex, an easy solution can be found if the parties are able to meet and agree for a neutral person who can collect all the facts and proceed further with any decision taken for the appointment of builders who will demolish the existing flats and reconstruct the new flats.

11.The learned counsel appearing on behalf of the respondents/defendants submitted that only two petitioners are stopping the Association from



proceeding further with the process of demolishing the old flats and constructing the new flats and all the other owners are in favour of the decision taken by the Association.

12. In the light of the above stand taken on the side of the respondents, this Court cannot thrust upon the parties the process of mediation.

13. In view of the above, this Court has to only deal with the case on merits. The main ground that was urged while challenging the application filed in IA.No.3 of 2025 is that such an application is unsustainable under Section 151 of C.P.C. The maintainability or otherwise of the claim made in IA No.3 of 2025 is well within the jurisdiction of the Court below to decide upon the same. This Court, exercising its power under Article 227 of the Constitution of India cannot preempt the decision that may be taken by the Court below by assuming that the application will go in favour of one party or the other. Whatever grounds have been raised in the Civil Revision Petition can always be raised before the Court below, which is dealing with IA No.3 of 2025 and the judgments that have been placed before this Court can as well be placed before the Court below, which is dealing with the application. The Court will consider the same and pass orders on merits and in accordance with law. Hence, it is not necessary for this Court to interfere with the interlocutory application



filed in IA No.3 of 2025 and strike it off on the premise that the application itself is not maintainable. In other words, this Court is not inclined to put itself in the shoes of the Court below and decide the maintainability of IA No.3 of 2025. Consequently, the entire issue is left open to be agitated before the Court below.

14.In the light of the above discussion, CRP No.2673 of 2026 is disposed of with a direction to the XVII Assistant City Civil Court, Chennai, to deal with IA No.3 of 2025 in IA No.2 of 2025 in O.S.No.4863 of 2025, on its own merits and in accordance with law and the grounds raised by both sides shall be considered while passing the final orders.

15.Insofar as CRP No.1995 of 2026 is concerned, it is more a consequence of the Civil Revision Petition filed in CRP No.2673 of 2026, wherein the very application filed in IA No.3 of 2025 was put to challenge. Hence, the direction that was given in the CRP No.2673 of 2026 will cover this Civil Revision Petition also.

16.Before drawing the curtains, this Court makes it clear that, considering the nature of dispute involved, all steps shall be taken by the parties to amicably resolve the dispute so that the owners of the flats ultimately are able to be



benefited by choosing a proper builder who can demolish the existing flats and put up new flats and which can be occupied at the earliest point of time. Litigating a case of this nature will only prolong the agony of the flat owners, since the process of demolition and reconstruction, as such, takes a long time and it will get even more protracted and agonizing if the dispute gets caught into a litigation. This shall be kept in mind even by the Court below, which shall make all attempts to resolve the dispute amicably between the parties.

17. In the result, both the Civil Revision Petitions are disposed of in the above terms. The Court below is directed to pass final orders in the Interlocutory Application, within a period of four weeks from the date of receipt of copy of this order. No Costs. Consequently, connected miscellaneous petition is closed.

20-08-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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The XVII Assistant City Civil Court, Chennai.



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