

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 17TH DAY OF SEPTEMBER 2018

THE HON'BLE MR. JUSTICE P.D.AUDIKEVALU

A.No.6782 of 2018

in

C.S.No.990 of 2017

Parsn Paradise Residential Apartment Welfare Society
Rep.by its Secretry Mr.Vishnu Raj
Parsn Paradise Apartments,
Old No.109, New No.46, G.N.Chetty Road,
T.Nagar, Chennai - 600 017. :Applicant/Plaintiff

Vs

1. Mr.Mohammed Faizi
B Block, II Floor, E2,
Parsn Paradise Apartments,
Old No.109, New No.46, G.N.Chetty Road,
T.Nagar, Chennai - 600 017.

2. Union Bank of India
Rep.by its Branch Manager
Tirumalai Pillai Road,
T.Nagar, Chennai - 600 017.

3. Indian Bank
Rep.by its Branch Manager
119, G.N.Chetty Road,
K.G.Retreat, Opp.to Peninsula Hotel
T.Nagar, Chennai - 600 017. ... Respondents/Defendants

Application praying that this Hon'ble Court be pleased to appoint an advocate commissioner to conduct the election of the office-bearers of the parsn paradise residential apartment welfare society for the period 2018-2020 as per the directions that may be issued by this Hon'ble Court.

This Application coming on this day before this court for hearing the court made the following order:-

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This suit has been instituted by the Plaintiff, which is an association of apartment owners, against the First

Defendant seeking relief of permanent injunction restraining him from interfering with the operation of the bank accounts of the Plaintiff with the Second and Third Defendants. The First Defendant has filed Written Statement along with counter claim in which a declaration has been sought that the Executive Committee members of the Plaintiff elected in the Annual General Body meeting held on 16.10.2016 were the only properly elected persons to those posts and for certain other consequential reliefs.

2. It is accepted by the Plaintiff and the Defendants that the tenure of two years of the Office Bearers of the Plaintiff, which is the subject matter of dispute in the suit, would lapse on 16.10.2018 and it has become necessary to conduct fresh elections for the next tenure of two years. In that backdrop, the Plaintiff has filed this application to appoint an Advocate Commissioner to conduct the election of the Executive Committee of the Plaintiff and the First Defendant has filed counter affidavit in which he has given unequivocal consent for appointing an Advocate Commissioner for such purpose. It is also submitted by the learned Counsel for both sides that if the Office Bearers are properly elected through such election, the dispute in the

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suit would also get resolved.

3. In view of the aforesaid submission made by the learned Counsel for both sides, Mr. Paranjothi, Retired District Judge, (No 6, Ram Colony, West Mambalam, Chennai - 600 033, Cell: 9444128002), is appointed as Commissioner to conduct the election of the Executive Committee, including the Office Bearers of the Plaintiff, viz., Parsn Paradise Residential Apartment Welfare Society, in accordance with bye-laws of the Plaintiff as well as the applicable provisions of the Tamil Nadu Apartment Ownership Act, 1944, and the Tamil Nadu Societies Registration Act, 1975, and the Rules under those enactments and submit his report by 31.10.2018. The Commissioner shall ensure to issue notice of election to the members of the Plaintiff before 01.10.2018.

6. The initial remuneration of Rs.20,000/- of the Commissioner shall be paid by the Second Defendant, viz., Union Bank of India under written acknowledgment by way of Demand Draft, by debiting the account of the Plaintiff in that Bank.

Call the matter on 02.11.2018 for further orders.

Sd/-P.D.A.J
17/09/2018

//Certified to be a true copy//

Dated this the day of 2018