

C.M.P.No.232 of 2020
and C.R.P (PD) No.2716 of 2019

M. GOVINDARAJ, J.

This Court, by order dated 21.08.2019, appointed Mr.R.Natarajan, as Receiver to administer the fourth respondent Association. Now that, the rival parties have come out with the list of five names each and submitted that they will administer the Association by themselves. All the ten names given in the memo filed by both the parties are the owners of the flats.

2. In view of the consensus reached between both the parties, I appoint all the ten Flat owners as an Adhoc Committee for administrating the flats. This Adhoc Committee shall administer the Association as per the conditions laid down at paragraph No.9 of the order of this Court dated 21.08.2019 passed in the above Civil Revision Petition. In order to carry out the functions, Thiru.S.Linal Amalraj, Flat No.205, Vasu Block and Mr.Giridharan, Flat No.302, Manikandan Block are appointed as Signatories and Chief Executive Officers, till the regular executive body is elected by the Flat owners.

3.In view of the order passed today, Mr.R.Natarajan, Receiver appointed by this Court on 21.08.2019 is discharged. The Adhoc Committee will come

into force from 01.10.2020. The remuneration due to the Receiver shall be paid up to 30.09.2020.

4.It is submitted by the Advocate Receiver that he has already filed returns. The Registrar/3rd respondent by his proceedings No.5067/E2/2019 dated 06.06.2019 has informed that the 4th respondent Society was not dissolved and all the records are currently show registration is intact under the 3rd respondent.

5.In view of the letter dated 06.06.2019, it came to light that the 4th respondent/Society is not dissolved and its registration is not cancelled. If that is taken into consideration, the registration is alive and in view of the same, the suit seeking declaration of Association has become defunct is not sustainable and the learned counsel for the petitioner seeks permission of this Court to withdraw the suit in O.S.No.56 of 2019 with a liberty to revive his rights, if any, survives after a period of four months or after the election is completed to the 4th respondent Association.

6. Accordingly, O.S.No.56 of 2019 pending on the file of the 6th Assistant City Civil Court, Chennai is dismissed as withdrawn. The report filed

by the Advocate Receiver is taken on file. The Advocate Receiver is directed to hand over all the records to the Adhoc Committee appointed for the purpose of conducting the elections.

The election shall be conducted within four months.

With the above directions, the Civil Miscellaneous Petition is closed.

21.09.2020

Note : Issue order copy on 24.09.2020
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