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O.A.Nos. 238 & 829 of 2021
and A.Nos.4842 of 2021 and 3279 & 3280 of 2020
in C.S.No.416 of 2020

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ABDUL QUDDHOSE, J.

O.A.No.829 of 2021: This application has been filed to grant an order of Interim Injunction restraining the respondents from conducting the general body meeting on 31.12.2021 pending disposal of the suit.

2. The contention of the applicant/plaintiff is that without sending notice to the applicant/plaintiff, who is the member of the Association, the respondents are conducting the general body meeting on 31.12.2021.

3. Learned counsel for the defendants Association, on instructions, submits that there is no objection from the defendants' Association for the applicant/plaintiff to participate in the general body meeting of the Association to be held on 31.12.2021. However, learned counsel points out that on earlier occasion, the same relief was sought for and this Court passed an order on 30.12.2020 in OA No.775 of 2020 and A.Nos.3278 to 3280 of 2020 in CS



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No.416 of 2020. The relevant paragraphs of the said Order read as follows:-

“b) the applicant (plaintiff) should be allowed to participate in the meeting and vote when the necessity arises, subject to the authenticity of her voting eligibility and the validity of her vote. And the same can be decided in the main proceedings after the counter is filed and the matter is listed for final disposal.

c)in case, the applicant (plaintiff) exercises her alleged right to membership, participates in the meeting and also votes, her husband also cannot be allowed to vote. The learned counsel for the applicant has given an undertaking that in the event of voting made by the applicant, her husband will not make similar claim.

d)In order to ensure peaceful conduction of the meeting and also to avoid any unpleasantries, the flat owner association is permitted to videograph the meeting proceedings.”



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4. Learned counsel for the applicant, on instructions, is agreeable to the aforementioned conditions.

5. Accordingly, the applicant/plaintiff is permitted to participate in the annual general body meeting of the defendants' Association, which is scheduled to take place on 31.12.2021 and vote in the said meeting, subject to the fulfilment of the following conditions:-

b) the applicant (plaintiff) should be allowed to participate in the meeting and vote when the necessity arises, subject to the authenticity of her voting eligibility and the validity of her vote. And the same can be decided in the main proceedings after the counter is filed and the matter is listed for final disposal.

c) in case, the applicant (plaintiff) exercises her alleged right to membership, participates in the meeting and also votes, her husband also cannot be allowed to vote. The learned counsel for the applicant has given an undertaking that in the event of



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*voting made by the applicant, her husband
will not make similar claim.*

*d)In order to ensure peaceful conduction of
the meeting and also to avoid any
unpleasantries, the flat owner association is
permitted to videograph the meeting
proceedings.”*

6. In terms of the above direction, O.A.No.829 of 2021 is disposed of.

21.12.2021
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