



C.M.A.No.2496 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.M.A.No.2496 of 2022

&

C.M.P.No.19417 of 2022

Diamond Das

...Appellant

Vs

1.Cosmo City Residents Welfare Association CCRWA,
Represented by the authorised person,
No.1/53, Dr.Abdul Kalam Road, Pudupakkam.
Chennai – 603 103.

2.Sreenivasarao Kattaa,
The President,
B21-303, Cosmo City Residents Welfare Association CCRWA,
No.1/53, Dr.Abdul Kalam Road, Pudupakkam.
Chennai – 603 103.

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3.Mohanraj Murugesan
The Secretary,
B21-303, Cosmo City Residents Welfare Association CCRWA,
No.1/53, Dr.Abdul Kalam Road, Pudupakkam.
Chennai – 603 103.

4.Vijay Krishna
Treasurer,
B21-303, Cosmo City Residents Welfare Association CCRWA,
No.1/53, Dr.Abdul Kalam Road, Pudupakkam.
Chennai – 603 103.

5.The District Registrar of Societies,
Chengalpattu.

6.The State Bank of India,
Represented by its Bank Manager,
Padur Branch,
Chengalpattu.

... Respondents

Prayer: Civil Miscellaneous Appeal is filed Under Order 43 Rule 1
r/w Section 104 of CPC to set aside the order dated 19.10.2022 in
I.A.No.11 of 2022 in O.S.No.148 of 2022 pending on the file of the
Principal District Judge, Chengalpattu.

For Appellant : Mr.S.T.Bharath Gowtham



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JUDGEMENT

The above Civil Miscellaneous Appeal has been filed challenging the adjournment order dated 19.10.2022, in and by which the learned Principal District Judge, Chengalpattu has once again adjourned I.A.No.11 of 2022 to 16.11.2022. This despite orders of this Court in C.R.P.(PD),No.1709 of 2022 to dispose of I.A.No.11 of 2022 at the earliest.

2. The above Interlocutory application has been filed to restrain the respondents from implementing the resolution dated 12.12.2021. The appellant is particularly aggrieved by Subject No.11 of the said resolution, which relates to the *Additional Funds Requirement for Painting and Road Repair Works*.



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3. The appellant would submit that on the basis of this resolution, which has been passed without a majority, the same is sought to be implemented by the office bearers by adjusting the amounts towards the cost for painting and road repair works from out of the maintenance amounts without the concurrence of the respective flat owner. That apart, office bearers have issued notice and they have on 16.10.2022 held Executive Committee meeting, wherein, the following resolutions has been taken:

“Defaulters Handling: *ECM decided to take action against defaulters till September regular maintenance due to CCRWA. The action involves DG disconnection, HK & Garbage collection at door step stopped etc., for the defaulters”*

4. In the normal circumstances, this Court would have simply re-directed the appellant to the Court below where the petition is



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pending. However, considering the fact that the respondents / defendants are refusing to file the counter, despite taking several adjournment and in the process disobeying the orders of this Court in C.R.P.No.1709 of 2022. Considering the above conduct, this Court has disposed of the appeal without notice to the respondents.

5. Taking into account the conduct of the Executive Committee members though the suit is pending, there shall be an order of interim injunction restraining the office bearers from implementing Subject No.11 of the resolution dated 12.12.2021 till I.A.No.11 of 2022 is disposed of by the learned Principal District Judge, Chengalpattu. The learned counsel for the appellant would submit that he is ready to argue the case even on 16.11.2022.

6. The learned Principal District Judge, Chengalpattu shall positively endeavour to dispose of I.A.No.11 of 2022 on or before



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15.12.2022 and report to this Court.
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7. The above Civil Miscellaneous Appeal is disposed of with the above direction. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

14.11.2022

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Index: Yes/No
Speaking order/non-speaking order

Note: Issue Order copy on 14.11.2022.

To,

The Principal District Judge,
Chengalpattu.



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P.T.ASHA, J.,

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