



WEB COPY



CMP No. 21595 of 2023 in OSA No. 122 of 2023

C.M.P. No. 21595 of 2023
in
Original Side Appeal No. 122 of 2023

R. MAHADEVAN, J

and

MOHAMMED SHAFFIQ, J

(Order of the Court was made by R. Mahadevan, J)

This petition is filed by the petitioners / appellants / defendants praying to pass appropriate orders to recall the present Interim Administrator Mr. Ravi and appoint a new Interim Administrator, who shall conduct the Executive Committee Elections within the time frame stipulated by this Court.

2. By Judgment dated 07.09.2023 passed in O.S.A. No. 122 of 2023, taking note of the fact that there has been breach of bye-laws of the first defendant society by the second defendant in convening the election to the society and in passing various resolutions, including the one preventing the plaintiffs from entering into the society, this court, while upholding the appointment of the Interim Administrator, modified the order of the learned Judge and disposed of the said original side appeal.

3. The learned counsel appearing for the petitioners / appellants



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contended that the Interim Administrator is not functioning as per the terms of the judgment passed by this Court. On the other hand, the Interim Administrator is acting against the petitioners / appellants for no reasons. It is further submitted that the Interim Administrator is not discharging his duties neutrally and therefore, appropriate orders may be passed in this miscellaneous petition.

4. On the other hand, Mrs. Hema Sampath, learned Senior counsel appearing for the respondents 1 and 2, by placing reliance on the counter affidavit, submitted that the Interim Administrator, due to his good work, has exposed the mis-demeanours and mal-administration of the appellants. The Interim Administrator is discharging his duties as per the conditions of warrant issued by this Court and hence, there is no necessity to change the Interim Administrator as prayed for by the petitioners herein.

5. We have heard the rival submissions and perused the records. On perusal of the affidavit filed in support of this miscellaneous petition, we find no reason to grant the relief sought for therein. While so, it is to be pointed out that in the judgment dated 07.09.2023 passed in OSA No.122 of 2023, we have categorically observed that in the interest of the society as well as the



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school, the order of the learned Judge dated 20.06.2023 passed in A.No.1816 of 2020 in CS. No.199 of 2020, was modified and that, liberty was granted to all the parties, including the Interim Administrator, to approach the learned Judge, for appropriate orders, in the event of any mismanagement or irregularity by any of the parties. Therefore, no further order needs to be passed in this miscellaneous petition.

6. With the above observation, this miscellaneous petition stands dismissed.

(R.M.D.J.) (M.S.Q.J.)

18.10.2023

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