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A.No.867 of 2024 in
C.S.No.197 of 2022

C.V.KARTHIKEYAN, J.

This application has been filed by the seven proposed applicants seeking to implead themselves as D3 to D9 in the suit.

2. The suit had been filed by the plaintiffs seeking a declaration that the election of the first defendant to the office of the Secretary of the second defendant Association held on 13.09.2020 as null and void; mandatory injunction directing the Managing Committee of the 2nd defendant to call an Annual General Body Meeting of the 2nd defendant Association to elect the office bearers of the 2nd defendant Association; declaring all decisions taken in the Minutes of the Extraordinary General Body Meeting dated 26.06.2022, including to allocate the schedule mentioned property in favour of individual members of the 2nd defendant Association as null and void and permanent injunction restraining the 2nd defendant Association from assigning / alienating / transferring / encumbering the schedule mentioned property in favour of any individual members of the second defendant Association or in any manner interfering with the common enjoyment of the



schedule mentioned property by all the members of the 2nd defendant Association.

3. The schedule of the plaint relates to open car parking bearing Nos.33 to 42 in the site cum ground floor plan of Nityashree Apartments, Chamiers Road, Chennai. It is thus evident that the plaintiffs have raised a *lis* questioning the rights of the defendants *viz.*, the Secretary of the second defendant and the second defendant which is the Nithyashree Apartment Owners' Association, alleging that they have been acting prejudicial to the interest of the plaintiffs relating to the open car parking bearing Nos.33 to 42 in the said Apartment complex.

4. In the affidavit filed in support of the present application, the applicants have raised grievances against the second defendant / Association claiming that they are not effectively safeguarding the rights of the apartment owners, particularly, the purchasers of 12 residential plots. Owing to the attitude of the office bearers, the applicants have lost confidence in the Association and have primarily raised grievances against the manner in



which the second respondent had allotted car parking to the apartment owners and have also stated that they would answer the allegations in the plaint at the time of filing the written statement. But in the affidavit, so far as it could be read, it has no *lis* against the plaintiff but primarily against the second defendant / Association.

5. The learned counsel for the plaintiffs and the learned counsel for the first and second defendants have not raised any objection for this application being allowed. But the suit cannot be converted into one having a myriad of disputes among the plaintiffs on one side and the defendants on the other side and the proposed defendants on one side and the second defendant on the other side. If the applicants herein have grievances against the 1st and 2nd defendants, they should take appropriate steps to redress their grievance and cannot join in this suit which relates to the particular grievance to open car parking bearing Nos.33 to 42.

6. It is made clear that this application is allowed subject to a caveat that the applicants though may be impleaded as defendants, cannot raise any



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grievance against the defendants 1 and 2. The limited grievance that can be raised is only with respect to the open car parking Nos.33 to 42 and not on any other issue. Placing that particular restriction, this application stands allowed.

02.07.2024

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