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C.R.P.Nos.4796 and 4800 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2024

**CORAM :
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

**C.R.P.Nos.4796 and 4800 of 2024
and C.M.P.Nos.26855 and 26860 of 2024**

The President
The Gee Gee Emerald Owners Association
Gee Gee Emerald, No.312, Valluvarkottam
High Road, Nungambakkam, Chennai 600 034.

... Petitioner in both
the C.R.Ps.

Vs

M/s.Morevisas Immigration Services Pvt.Ltd
Rep.by Authorised Signatory Mr.Venkatesh
having address at 2C, 2D, 2nd Floor
Gee Gee Emerald, No.312, Valluvarkottam
High Road, Nungambakkam, Chennai 600 034.

... Respondent in both
the C.R.Ps

Prayer in C.R.P.No.4796 of 2024 : Civil Revision Petition under Article 227 of the Constitution of India to set aside the order dated 19.09.2024 passed in I.A.No.3 of 2024 in O.S.No.2357 of 2024 by the Hon'ble IV Assistant City Civil Court at Chennai and to dismiss I.A.No.3 of 2024 in O.S.No.2357 of 2024.

Prayer in C.R.P.No.4800 of 2024 : Civil Revision Petition under Article 227 of the Constitution of India to set aside the order dated 19.09.2024 passed in I.A.No.2 of 2024 in O.S.No.2357 of 2024 by the Hon'ble IV Assistant City Civil Court at Chennai and to dismiss I.A.No.3 of 2024 in O.S.No.2357 of 2024.

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COMMON ORDER

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These two civil revision petitions arises against the order passed by the learned IV Assistant City Civil Court at Chennai in I.A.Nos.2 and 3 of 2024 in O.S.No.2357 of 2024.

2. The civil revision petitioner is the defendant in the suit. The respondent plaintiff had presented O.S.No.2357 of 2024 seeking for the relief of mandatory injunction directing the defendant to restore the water connection to the suit schedule mentioned property and for a mandatory injunction directing the defendant to remove the posters that had been widely exhibited in all the prominent places in Gee Gee Emerald Apartments situated at No.312, Valluvarkottam High Road, Nungambakkam, Chennai 600 034.

3. The plaintiff pleaded that it had entered into a lease agreement with one Opulentus Overseas Private Limited for the flat situated at 2C and 2D, 2nd Floor of Gee Gee Emerald building, Nungambakkam, Chennai. There is no dispute that the plaintiff is the owner of these two apartments. The defendant / civil revision petitioner had put up notices since there was default in payment of maintenance charges from the occupants of these two flats. Furthermore, the apprehension of the plaintiff was that the water connections to these two flats were disconnected by the civil revision petitioner / defendant.



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4. Pending the suit, two applications were filed in I.A.Nos.2 and 3 seeking for interim mandatory injunctions. The civil revision petitioner filed a counter and addressed his arguments. The learned Judge granted the relief as prayed for without discussing the case on merits. Hence, these civil revision petitions.

5. I heard Mr.Roshan Balasubramanian for the civil revision petitioner and Ms.Jaya Ganga for the respondent.

6. As the entire issue is around a very narrow compass viz., of the default in payment of maintenance charges, I asked Ms.Jaya Ganga if her clients will be ready to pay the amounts. At the same time, I also pointed out to Mr.Roshan Balasubramanian, that in case the maintenance charges are paid, then his client would have to remove the defaulter notices that have been put all around the building.

7. Ms.Jaya Ganga and Mr.Roshan Balasubramanian were agreeable to the same. Mr.Roshan Balasubramanian submitted that the moment the arrears of maintenance are paid, he will ensure that the defendant removes all the defaulter notices. He points out that in terms of Section 18 of the Tamil Nadu Apartment Ownership Act, 2022, a charge has been created for



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the arrears of maintenance over the properties. He states the notices were put up on account of the fact that no one should plead that they were not aware of the arrears. I adjourned the matter to today for filing of the undertaking affidavit.

8. Ms.Jaya Ganga has filed an affidavit of one Mr.Praveen Kumar as well as the resolution passed by the Board of Directors of the plaintiff authorising Mr.Praveen Kumar to execute necessary documents and affidavits. The affidavit and the resolution are taken on file. The affidavit is extracted hereunder:

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Civil Appellate Jurisdiction)

C.R.P.No. 4796 & 4800 of 2024
against
LA.No 18 & 2 of 2023
in
OS.No. 2187/1004

The petitioner,
The Gee Gee Emeralds Owners Association,
Gee Gee Emerald, No. 312,
Valluvarakkottam High Road,
Nungambakam,
Chennai-600034.

Petitioner / Respondent / Defendant

-Vs-

M/s. Meevaas Immigration Services Pvt. Ltd.,
Having address at 2C, 2D, 2nd Floor,
Gee Gee Emerald Building,
11312, Valluvarakkottam High Road,
Nungambakam, Chennai - 600034

Respondent / Petitioner / Plaintiff

AFFIDAVIT

I, K. Praveen Kumar, S/o. Late. K. Kumar, Hindu, aged about 38 years,
authorised signatory of M/s. Meevaas Immigration Services Pvt. Ltd.
having address at 2C, 2D, 2nd Floor M/s. Gee Gee Emerald Building, H312,
Valluvarakkottam High Road, Nungambakam, Chennai - 600034, do
hereby solemnly affirm and sincerely state as follows

1. I am the authorised signatory of the Respondent / Petitioner /
Plaintiff's company in the above CRPs and as such fully aware of the fact of
the case. Hence, competent to swear this affidavit.

for Meevaas Immigration Services Pvt. Ltd.

Authorised Signatory



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9. As the respondent has undertaken to clear a sum of Rs.7,90,600/-, within a period of one month from 04.12.2024; on receipt of the said amount, the civil revision petitioner shall remove the defaulters notice. It is made



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clear that these revisions only deal with the arrears from 01.04.2020 to 31.10.2024. In case there are any arrears in future, it is open to the civil revision petitioner to take appropriate measures as it is entitled to under law in order to bring to the notice of the parties that there is a default.

10. The statement of Mr.Roshan Balasubramanian that the civil revision petitioner / defendant did not disconnect the water supply and the water connection was disconnected by Chennai Metro Water Supply and Sewerage Board (CMWSSB) is also recorded. The statement of Mr.Roshan Balasubramanian that as long as the plaintiff / respondent pays the dues on time, the civil revision petitioner / defendant will not interfere in any manner with the peaceful possession of the plaintiff / respondent is also recorded.

11. On this aspect, Ms.Jaya Ganga states that the entire dues to CMWSSB has been cleared and water has been restored. She states that the plaintiff / respondent will continue to pay the dues as and when they arise to CMWSSB.

12. As all the issues have been resolved in these civil revision petition itself, nothing remains for further adjudication in the suit. The learned IV Assistant City Civil Judge is requested to record the undertaking affidavit and close the suit.



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13. Granting the time that has been sought for by the respondent, both these civil revision petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

06.12.2024

Index: Yes/No
Neutral Citation : Yes/No
KST

To

The IV Assistant City Civil Court
Chennai.



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V.LAKSHMINARAYANAN, J.

KST

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