

ORDERS ON I.A.No.1

The plaintiff has filed this suit for declaration to declare that the Election Notice-cum-Election Guidelines dated 16.01.2026 and the Calendar of Events issued by the defendants vide Documents No.7(a) and 7(b) are illegal and void-ab-initio and against the bye-laws of the plaintiff association and to grant permanent injunction restraining the defendants from utilizing the name of the plaintiff association for their activities and from holding elections as per the Election Notice-cum-Election Guidelines dated 16.01.2026 and the Calendar of Events issued by the defendants vide Documents No.7(a) and 7(b) and such other reliefs.

I.A.No.1 is filed by the plaintiffs under Order 39 Rule 1 & 2 r/w Sec.151 of CPC, to pass an order of ad-interim ex-parte temporary injunction restraining the defendants, their henchmen, agents or anybody acting on their behalf from holding elections to the plaintiff association which is scheduled to be held on 15.02.2026, pending disposal of the suit.

Perused the documents, affidavit and the plaint averments.

The plaintiff association is registered under the Karnataka Apartment Owners Association Act. The apartment complex consists of a total of 359 residential flats and the same have been occupied by the purchasers of the flats. It is submitted that for overall welfare of the apartment owners, an association is formed under the name and style "NCC Urban Mayfair Apartment owners Association". The plaintiff association functions on "No Profit No Loss" basis and the office bearers shall not be paid any remuneration or honorarium or payment of any kind. Elections would held

for electing the Managing Committee members of the plaintiff association every year. In the month of June- July 2025, plaintiff association received the audit report for the financial year 2024-25. After receiving the same, the plaintiff compared the expenses incurred during the financial year 2024-25 with that of the previous year 2023-24, and came to know that during the previous years, there have been huge and unexplained expenses shown and that funds of the association has been misused to a great extent, without any proper reasons. In view of the same, the plaintiff association was constrained to lodge complaint before the Yelahanka New Town Police, on 01.09.2025 requesting to take suitable action against the year 2023-24 management committee members.

The plaintiff Association alleging that the defendants are strangers and they have sent e-mail that they are conducting elections. The plaintiff Association alleged that the defendants election committee is a bogus committee. Therefore, it is just and proper to hear other side before passing

any interim orders. Therefore, I proceed to pass the following:-

ORDER

Issue Suit Summons, Emergent Notice on I.A.No.1 to the defendants, by 10.02.2026.

**(Nisharani A.C)
III A.C.C & S.J. Bengaluru.**