

IN THE COURT OF ADDL. DISTRICT JUDGE- IV, KOTTAYAM

Present : Dr. Satheesh Kumar V., Addl. District Judge- IV, Kottayam

Thursday the 26th day of March, 2026

5th day of Chaithra, 1948

I.A. No.1/2025 in A.S. No.128/2025

Petitioner/Appellant :

Biju Zachariah, aged 55, S/o Skariah Kannukuzhiyil Anthrayose,
residing at Flat No.14D, Aires, Skyline Green Turf
Apartment Complex, Manganam P. O – 686018, Manganam Kara,
Vijayapuram Village, Kottayam Taluk, Kottayam District

By Adv. George Itty T

Cr. Petitioners/Respondents :-

- 1 M/s. Skyline Green Turf Apartment Owners Association,
Registration No.KTM/TC/359/2017, Manganam P O,
Manganam Kara, Vijayapuram Village, Kottayam Taluk,
Kottayam District, Pin-686018, represented by its Secretary
- 2 The President, M/s. Skyline Green Turf Apartment Owners
Association, Manganam P.O., Pin – 686018, Manganam Kara,
Vijayapuram Village, Kottayam Taluk, Kottayam District
- 3 The Secretary, M/s. Skyline Green Turf Apartment Owners
Association, Manganam P.O., Pin – 686018, Manganam Kara,
Vijayapuram Village, Kottayam Taluk, Kottayam District
- 4 The Treasurer, M/s. Skyline Green Turf Apartment Owners
Association, Manganam P.O., Pin – 686018, Manganam Kara,
Vijayapuram Village, Kottayam Taluk, Kottayam District

R1 to R4 - By Adv. Rajeev P Nair

This petition having been finally heard on 19.03.2026 and the Court
on 26.03.2026 passed the following :-

ORDER

1. This is an application for a temporary injunction filed by the appellant
under Order XXXIX Rule 1 of the Code of Civil Procedure, seeking to

restrain the respondents from convening the Annual General Meeting (AGM) and conducting elections to the Managing Committee of the first respondent association through an online Zoom platform.

2. The petitioner contends that such a procedure violates the registered bylaws of the association, specifically Clause 5.4, which mandates that the AGM be held on the premises of the Skyline Green Turf Apartment Complex or at another location within the local municipal limits. It is the petitioner's case that the trial court, while dismissing the original suit (O.S. No. 537/2022), failed to appreciate that the bylaws do not provide for an online mode of meeting and that conducting elections virtually invites malpractices and fraud.
3. The 4th respondent filed a detailed objection on his own behalf and on behalf of respondents 1 and 3 as well. They maintain that the application is neither legally nor factually maintainable. According to the respondents, the decision to allow participation via Zoom was born out of practical necessity, as a significant majority of the apartment owners, approximately 72%, are non-resident Indians (NRIs) or non-resident Keralites who cannot physically attend meetings due to living conditions abroad and travel constraints. They argue that Zoom is merely an electronic medium facilitating attendance at a meeting hosted from the association's premises, thereby ensuring wider democratic participation and a valid quorum. They further point out that such online meetings were held previously during the pandemic without objection, creating a precedent accepted by the members.
4. Heard both sides and perused the available case records, as trial court case records are not called for and perused due to the urgency of the matter.

5. The primary issue for consideration is whether the proposed online conduct of the AGM and election warrants judicial intervention at this interlocutory stage. Upon sifting the evidence and considering the rival contentions, this court finds that the reasoning adopted by the trial court in the primary judgment is sound and applicable to the present petition. While Clause 5.4 of the bylaws specifies a physical location for the meeting, it does not explicitly prohibit the use of digital technology to facilitate participation. The trial court correctly observed that all departures from bylaws do not automatically warrant court interference, especially when they are intended to serve the members' larger interests.
6. The records indicate that the first respondent association consists of 181 apartment owners, a vast majority of whom reside outside Kottayam or India. Restricting participation solely to physical attendance would effectively disenfranchise a significant portion of the membership, contrary to the democratic principles that govern such associations. The use of electronic media to ensure participation is a globally accepted practice and, in the absence of an express prohibition in the registered bylaws, cannot be termed illegal or ultra vires. Furthermore, Clause 7.9 of the bylaws reportedly allows electronic voting as may be prescribed, further weakening the petitioner's argument that the bylaws strictly contemplate only physical presence.
7. It is a settled legal principle that civil courts will not normally intervene in the internal affairs of a registered society unless the actions are shown to be fraudulent, malicious, or a gross violation of statutory norms that causes material prejudice. In ***T.P. Daver vs. Lodge Victoria No. 363 Belgaum*** (AIR 1963 SC 1144), the Hon'ble Supreme Court held that the jurisdiction of a civil court is limited to ensuring that the rules of the

association are followed and that the principles of natural justice are observed. In the present case, the petitioner has failed to demonstrate any real prejudice or procedural fraud. The move to conduct the meeting via Zoom appears transparent and aimed at maximising participation.

8. The petitioner's apprehension regarding malpractices in online voting remains unsubstantiated by any concrete evidence. Conversely, the balance of convenience clearly lies with the respondents, as an injunction would stall the association's essential operations and administrative repairs, which are already delayed due to the pending litigation.
9. Considering that the trial court has already dismissed the suit after a full-fledged trial, finding no merit in the challenges against the online meeting mode, there is no prima facie case for granting a temporary injunction in the appeal. The petitioner has not established that he will suffer irreparable loss or injury if the AGM proceeds as notified. The association must be allowed to function and take decisions through its general body, which remains the supreme authority in such matters.
10. In the result, I.A. No. 1/2025 is dismissed. No costs.

(Dictated to and typed by the Dictation Software, corrected by me and pronounced in open court on this the 26th day of March, 2026)

Sd/-

Dr. Satheesh Kumar V
Addl. District Judge-IV

Appendix-Nil

Id/-

Addl. District Judge-IV

// True Copy //

Copied by:

Compared by:

Sd/-

Dr. Satheesh Kumar V
Addl. District Judge-IV