

IN THE COURT OF THE MUNSIFF, IRINJALAKUDA
Present: Smt. Abeena C. H., Additional Munsiff
Tuesday, 31st day of March 2026/10th Chaithra, 1948

IA 1/2026 in O.S. No. 162/2026

Petitioner/Plaintiff:-

Nanikutty Amma, 98 years, W/o Orayampurath Madhavan Nair,
Amballur Village, Alagappanagar P.O, Mukundapuram Taluk.
Pin- 680 302.

By Adv. Joy T. I & Akhil Ayyappa

Respondents/Defendants:-

1. Amballur NSS Karayogam No. 3222, Amballur Village,
Alagappanagar P.O, Mukundapuram Taluk. Pin- 680 302.
Rep. by Secretary Kalasagaran C, 68 years, 'Nisari',
Veliyathuparambath Thekkemadam Veetil, Amballur Village,
Alagappanagar P.O, Mukundapuram Taluk.
2. Amballur NSS Karayogam No. 3222, Amballur Village,
Alagappanagar P.O, Mukundapuram Taluk. Pin- 680 302.
Rep. by President C Murali, 70 years, S/o Sankarath Veetil
Vilasini Amma, Amballur Village, Alagappanagar P.O,
Mukundapuram Taluk. Pin- 680 302.
3. Amballur NSS Karayogam No. 3222, Amballur Village,
Alagappanagar P.O, Mukundapuram Taluk. Pin- 680 302.
Rep. by Election Officer, S. Krishnakumar.
R1 and R2 By Advs. K. A. Jayachandran, Anand Asok T
Jeethu K Babu & Shajil P. M

This petition coming on this day for hearing and the court
delivered the following:

ORDER

Petition filed by the plaintiff in the suit under Order 39 Rule

1 CPC, 1908.

2. **The averments of the petitioner are as follows:** The petitioner is the plaintiff in the above suit and a member of NSS Karayogam No.3222, who has been complying with all the by-laws governing the society. An election to the Administrative Committee of the said Karayogam is scheduled to be held on 22.03.2026. The 3rd respondent has been appointed as the Election Officer, and an election proclamation dated 26.02.2026 was issued to the petitioner. As per Clause 9 of the by-laws of the Karayogam, a member who has arrears of membership subscription for a period of one year is disqualified from becoming or continuing as a member of the committee, and a member who is in arrears for two years is not entitled to participate in the General body meeting or cast vote in the election. It is further mandated that the committee shall intimate members regarding such arrears, and upon payment of the dues, the member becomes entitled to exercise all membership rights, including voting.

3. The Karayogam published a notice on its notice board alleging that the petitioner was in default of payment of membership fee for more than one year. Immediately upon becoming aware of the same, the petitioner, through her son, remitted the entire alleged

arrears amounting to ₹1,185/- on 26.02.2026 to the bank account of the Karayogam through the Google Pay interface. Despite the said payment and clearance of all alleged dues, the respondents are attempting to unlawfully prevent the petitioner from exercising her right to vote in the upcoming election. The petitioner reasonably apprehends that such obstruction is motivated by the respondents' belief that she may not support candidates of their choice.

4. It is submitted that even after the payment of dues, the petitioner's name has not been included in the voters' list. The petitioner has also caused a complaint to be filed before the Registrar of NSS Karayogam; however, no action or response has been received so far. The petitioner submits that she is now a member in good standing, with no outstanding dues, and is fully entitled to all rights of membership, including participation in the General body and casting her vote in the election. The actions of the respondents in excluding her from the voters' list and attempting to prevent her from voting are arbitrary, illegal, and in violation of the by-laws. Hence, it is humbly prayed that this Hon'ble Court may be pleased to grant an interim mandatory injunction directing the respondents to include the name of

the petitioner in the voters' list and permit her to cast her vote in the election of NSS Karayogam No.3222 scheduled to be held on 22.03.2026, pending disposal of the suit, in the interest of justice.

5. **Respondents filed objection with following contentions:**

The respondents have filed a counter affidavit stoutly opposing the petition. They contend that the petitioner has not been complying with the by-laws of the NSS Karayogam and is therefore not entitled to claim any relief. It is specifically denied that the election proclamation was issued on 26.02.2026, and it is submitted that the same was in fact issued on 16.02.2026 by the 3rd respondent, who has been duly appointed as the Election Officer. According to the respondents, the entire election process has been set in motion strictly in accordance with the by-laws and under the control of the 3rd respondent, and respondents 1 and 2 have no role in the conduct of the election. It is further submitted that the election proclamation clearly set out the entire schedule of the election in a step-by-step manner. As per the proclamation, the preliminary voters list was published on 24.02.2026 at 11.00 a.m., the last date for filing objections was fixed as 26.02.2026, the hearing of objections was scheduled on 28.02.2026,

and thereafter the final voters list was published. The respondents contend that sufficient opportunity was given to all members, including the petitioner, to raise objections at the appropriate stage, but the petitioner failed to avail of the same. The respondents also rely on the conditions contained in the proclamation, wherein it is stated that a member who has arrears of membership fee for two years is not entitled to cast vote in the election. It is contended that when the preliminary voters list was published, the petitioner was shown as a defaulter in respect of membership fee, and the same was also directly intimated to her. According to the respondents, the petitioner had arrears for a period of 41 months.

6. Though the respondents admit that an amount of ₹1,185/- was credited to the account of the Karayogam on 26.02.2026, it is contended that the said payment cannot be treated as clearance of the petitioner's dues. It is submitted that no intimation was given to the office regarding the payment or that it was made towards the petitioner's membership dues. The account being a common account of the Karayogam, the respondents were unable to identify the source or purpose of the payment, particularly when the transaction reflected the

name of one “Unnikrishnan.” In the absence of proper intimation, the amount could not be appropriated towards the petitioner’s alleged arrears. The respondents further contend that the petitioner did not raise any objection to the preliminary voters list within the prescribed time and that after publication of the final voters list, no objection can be entertained. It is also submitted that the petitioner has not been an active participant in the affairs of the Karayogam, having failed to attend previous general body meetings or participate in earlier elections. Reference is also made to past issues involving the petitioner’s son, who was removed from membership in 2018 after due procedure.

7. The allegation that the respondents are attempting to deliberately prevent the petitioner from casting her vote is denied. According to the respondents, the present petition has been filed at a highly belated stage with the sole intention of delaying the election process. It is contended that there is no prima facie case in favour of the petitioner, that the balance of convenience lies in favour of allowing the election to proceed as scheduled, and that granting a mandatory injunction at this stage would seriously prejudice the

respondents and disrupt the election process. Accordingly, they pray that the petition be dismissed.

8. Following points arose for consideration:

- 1) Whether the petitioner established a prima facie case ?
- 2) Whether irreparable injury would be caused to the petitioner if injunction is refused?
- 3) Whether the balance of convenience is in favor of the petitioner?
- 4) Is the petitioner entitled for relief of temporary mandatory injunction as prayed for?
- 5) Reliefs and costs?

9. Exts.A1 to A5 were marked from the side of the petitioner.

Exts.B1 to B3 were marked from the side of the respondents.

10. Heard both sides. Perused the pleadings and documents on record.

11. **Points 1 to 4:** This is a petition filed by the plaintiff seeking an interim mandatory injunction directing the respondents to permit her to cast her vote in the election to the Administrative Committee of NSS Karayogam No.3222 scheduled to be held on 22.03.2026. The prayer in the suit and this interim application is one and the same. The case of the petitioner, in brief, is that she is a member of the NSS Karayogam and has been complying with all the

by-laws. It is contended that though she was shown as a defaulter in payment of membership fee, the entire dues amounting to ₹1,185/- was remitted on 26.02.2026 through online transfer. According to her, upon such payment, she became entitled to exercise all membership rights including the right to vote. However, her name was not included in the voters list, and the respondents are attempting to prevent her from casting her vote. Hence, the present petition is filed seeking a mandatory direction.

12. The respondents have filed a counter affidavit opposing the petition. It is contended that the petitioner had arrears of membership subscription for a long period of 41 months and was rightly shown as a defaulter in the preliminary voters list published on 24.02.2026. It is further submitted that the election proclamation was issued on 16.02.2026 by the 3rd respondent, who is the duly appointed Election Officer, and the entire election process was conducted strictly in accordance with the by-laws. As per the schedule, objections to the preliminary voters list were to be filed on or before 26.02.2026, and the petitioner did not raise any objection within the prescribed time. The respondents admit receipt of ₹1,185/- on 26.02.2026 but contend

that no intimation was given regarding the purpose of the payment and hence the same could not be identified or appropriated in the absence of proper particulars. It is also contended that once the final voters list was published, no objection can be entertained and that the present petition has been filed belatedly with the intention to interfere with the election process.

13. It is argued by the learned counsel for the respondents that the actions of the respondents are neither arbitrary nor illegal, but are in strict accordance with the by-laws, and that no provision of the by-laws has been violated in the conduct of the election. It was further argued relying on **Supreme Court Bar Association versus B. D. Kaushik 2011 KHC 4885** wherein it is held that interim relief, which has tendency to allow the final relief claimed in the proceedings should not be granted lightly, in absence of any special circumstances justifying the interim relief. In a body governed by democratic principles, no member has a right to claim an injunction so as to stall the formation of governing body of association. The right to vote there is neither common law right or nor fundamental right but it is only a statutory right which is always subjected to the qualifications

prescribed and limitation imposed thereunder. Once a person becomes a member of the association, such a person loses his individuality for the association and he has no individual rights except those given to him by the rules and regulations or by the by-laws of the association. It is further argued that in this case it is held that once the election process has started the courts should not ordinarily interfere with the said process by way of granting injunction.

14. In **Dorab Cawasji Warden v. Coomi Sorab Warden**, Ors AIR 1990 SC 867 following guidelines are given by Hon'ble apex court:

- (1) The plaintiff has a strong case for trial. That is, it shall be of a higher standard than a prima facie case that is normally required for a prohibitory injunction.
- (2) It is necessary to prevent irreparable or serious injury which normally cannot be compensated in terms of money
- (3) The balance of convenience is in favour of the one seeking such relief

The degree of satisfaction required for an interim mandatory injunction is higher than that for an interim prohibitory injunction.

15. The point for consideration is whether the petitioner has

made out a strong case for the grant of an interim mandatory injunction directing inclusion of her name in the voters list and permitting her to vote. It is not in dispute that the election process has commenced pursuant to the proclamation issued by the 3rd respondent. The materials on record would show that a detailed election schedule was notified, including publication of the preliminary voters list, the time for filing objections, and the publication of the final voters list. Ext.A1 is the election notice issued in connection with the election. It clearly stipulates that the preliminary voters list would be published on 24.02.2026, objections thereto could be preferred up to 26.02.2026, and the date fixed for consideration of such objections was 28.02.2026. The final voters list was scheduled to be published on 02.03.2026. In addition, dates were also fixed for submission of nomination papers, scrutiny of nominations, and publication of the final list of candidates. Thus, the materials disclose that the election process has been conducted in an orderly manner with specific timelines prescribed for each stage.

16. The petitioner does not dispute the fact that she did not file any objection within the time stipulated after publication of the

preliminary voters list. The petitioner relies on the payment of ₹1,185/- made on 26.02.2026 to contend that the arrears were cleared. However, at this stage, there is no satisfactory material to show that the said payment was properly intimated to the respondents or that it was duly appropriated towards the petitioner's dues. There is also no case for the petitioner that she had informed the respondents regarding the payment or made any request for inclusion of her name in the voters list on the basis of such payment within the time prescribed for the same. In such circumstances, the contention of the respondents that the petitioner had arrears for a prolonged period and that the payment could not be identified or appropriated cannot be brushed aside at this interlocutory stage.

17. It is also relevant to note that the petitioner has approached this Court only after the finalisation of the voters list and at a stage when the election process has substantially progressed. The petitioner has not offered any satisfactory explanation for not raising objections within the time provided in the election schedule. The relief sought is one of an interim mandatory injunction. It is well settled that such relief can be granted only in exceptional circumstances where a strong

and clear case is made out, and where denial would result in irreparable injury. The standard required is higher than that of a mere prima facie case. In the present case, the petitioner has not succeeded in establishing such a strong case warranting interference.

18. Further, the right claimed by the petitioner is a statutory right governed by the by-laws of the association. When the materials on record prima facie indicate that the respondents have acted in accordance with the by-laws and after issuing sufficient notice regarding arrears, this Court would be slow to interfere in the internal administration of the association, particularly in the absence of any material to show mala fides, lack of jurisdiction, or violation of the principles of natural justice. Moreover, Ext.B3, which is the order issued by the Registrar permitting the removal of the petitioner's son from the primary membership of the Karayogam, assumes relevance in the factual background. The payment relied on by the petitioner is seen to have been effected through the bank account of the same person. Coupled with the contention of the respondents that the petitioner is a 98 years old women and she had not participated in previous election , these circumstances cast a shadow of doubt on the bona fides of the

petitioner in approaching this Court.

19. The balance of convenience is also not in favour of the petitioner. Granting the relief sought would amount to interfering with the election process at an advanced stage, which is not ordinarily warranted. On the other hand, refusal of the relief would not cause such irreparable injury to the petitioner.

20. In the light of the principles laid down in Supreme Court *Bar Association v. B.D. Kaushik* (2011 KHC 4885), this Court is of the view that interference in the election process at this stage is not justified.

21. It is also pertinent to note that, during the pendency of this petition, the election has been postponed. However, such postponement, by itself, does not confer any additional right upon the petitioner to seek inclusion in the voters list at this stage. The materials on record do not indicate that the election process has been set aside or that the stages already completed, including the finalisation of the voters list, have been reopened. In the absence of any such decision by the competent authority, the postponement of the election cannot be treated as a ground to re-agitate claims which were not pursued within

the time prescribed under the election schedule. Therefore, the postponement of the election does not improve the case of the petitioner or warrant interference by this Court.

22. **Point 5:** In the result, the petitioner has not made out a case for the grant of an interim mandatory injunction. The petition is accordingly dismissed.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in the open court on this the 31st day of March, 2026).

Sd/-
Abeena C. H
Additional Munsiff

A P P E N D I X

Petitioners Witness:- Nil

Petitioners Exhibits :

A1	16.02.2026	Election notice
A2		Photo copy of final voters list
A3		Photo copy of notice
A4		Photo copy of by-law
A5		Copy of complaint

Respondents Witness:- Nil

Respondents Exhibits:-

B1	16.02.2026	Election notice
B2		Account statement
B3	23.07.2018	Copy of order issued by the Registrar permitting the removal of the petitioners son from the primary membership of the Karayogam.

Sd/-
Additional Munsiff

//True copy//

Additional Munsiff

Copied by: rh

Com. by:

Order in IA 1/2026
in OS 162/2026
Dated. 31.03.2026