

IN THE II ADDITIONAL CITY CIVIL COURT AT CHENNAI**Present: Tmt.Dr.R.Sathya.,****I Additional Judge****(FAC) II Additional City Civil Court, Chennai****Wednesday, the 15th day of July 2026****I.A.No. 2 of 2026****in****A.S.No. 136 of 2025**

V.G.Selvaraja, S/o. K.Ganapathy, Flat No.205, Anand Block, Chitra Avenue, No.9,
Choolaimedu High Road, Chennai-600 094. ... Petitioner/appellant

... Vs ...

The Chitra Avenue Flat Owners Welfare Association, Rep by its Secretary, Chitra
Avenue, No.9, Choolaimedu High Road, Chennai-600094. ...Respondent/Respondent

This petition is come up on 13.07.2026 for final hearing before me in the
presence of M/s.S.Kamadevan and K.Priyavarshini Learned counsels for the
Petitioner/Appellant and Mr.Y.Kaja Navas, Learned counsels for the
respondent/Respondent and upon hearing the arguments of both sides and on
perusing the petition and counter and other material papers on record and having
stood over for consideration till this day, this court has delivered the following:-

ORDER

This Petition is filed by the petitioner/appellant to permit him to pay a sum of
Rs.90,000/- to the respondent and consequently direct the respondent to restore the
water supply of four lines (two bathrooms, one kitchen (two lines) and balcony line)
to Flat No.205, Anand Block, Chitra Avenue, No.9, Choolaimedu High Road,
Chennai-94 pending disposal of the appeal.

2) The averments in the petition filed by the petitioner/appellant is as follows:-

2.1.The petitioner is the appellant in the above appeal. The above appeal was filed against the Judgment and Decree passed OS NO 8590/2022 dated 29/01/2025, on the file of the VIII Assistant Judge, City Civil Court, Chennai for the relief of to declare the demand notice dated 18.02.2020 towards the arrears of maintenance charges against the plaintiff is illegal and contrary to the by-laws of the defendant and not binding on the plaintiff and consequently and to grant permanent injunction restraining the defendant or their men or their agents or any other person claiming through M/s Chitra Avenue Flat Owners Welfare Association bearing Regn No 217/2003 from enforcing demand notice dated 18.02.2020 and taking any consequential action against the plaintiff and to declare the disconnection of water lines on 26/02/2020 to the Flat No. 205, Anand Block Chitra Avenue, No.9, Choolaimedu High Road, Chennai-94 as arbitrary and illegal and also contrary to the by-laws of the "Chitra Avenue Flat Owners Welfare Association" (Reg No.217/2003) and Consequent Mandatory injunction directing the defendant to reconnect and restore the water supply of all lines (two bathrooms and one kitchen (two lines) and balcony line) relating to Flat No. 205. Anand Block, Chitra Avenue, No. 9. Choolaimedu High Road, Chennai-94.

2.2.The respondent strongly raised the plea that the petitioner was not a member of the association though the petitioner is a flat owner and also justified the demand and also disconnection of water supply of all four lines to the flat.

Unfortunately, the learned trial Judge, neither decided the validity of the notice dated 18.02.2020 issued before the disconnection of water supply nor the consequent disconnection of water lines on 26.02.2020 but passed the Judgment and decree dated 29.01.2025 beyond the scope of the relief prayed and the same is subject matter of this appeal. Admittedly neither this petitioner nor any one of the family members are residing in the said flat and the same is under lock and key even prior to the date of the disconnection of water lines. Hence, there is no justification to insist the payment of the maintenance charges for the said flat. Further, there is no provision in the byelaws of the society or any orders permitting the Advocate Receiver or any other person in the administration of the defendant association to disconnect the water lines of a flat owner which seriously affects the right to live in the society and with dignity and self-respect. But none of the above aspects were dealt with by the trial Judge while partly decreeing the suit and giving directions which is unworkable and beyond the scope of the suit.

2.3. After disconnection of water lines the petitioner and his family is living in a rented premises and paying rent. The flat which is under lock and key is deteriorating in its value with the termites and other insects intrusion and as on today the same is not in a livable condition. It is very difficult to maintain the same even if the water is restored after disposal of the civil proceedings. Admittedly the maintenance charges payable by the resident of the flat is fixed at Rs.2500/- by the association. This petitioner is willing to pay a sum of Rs.90,000/- being the three years arrears of

maintenance charges which is legally enforceable and liable in terms of Article 52 of the Limitation Act, prior to the issuance of the demand 18.02.2020 and the consequent disconnection of water lines on 26.02.2020. Hence this petition.

3) The averments in the counter filed by the respondent/ respondent is as follows:-

3.1. The respondent is the the secretary of the 2nd Respondent Association. The petition filed by the petitioner is false and untenable and the Petitioner has to prove the same in the manner known to law. In fact, the main issue arises in the suit is as to whether the notice issued by the then administrator appointed the Hon'ble High court of Madras dated 18.02.2020 and the disconnection of water supply dated 26.02.2020 is declared as null and void. This issue was framed as recasted issues No. 1 and Additional Issues No. 5 and the same was decided against the Petitioner/Appellant. However, when the Petitioner had sought an equitable prayer of mandatory injunction to reconnect the water connection and thus the trial judge decided the case in favour of both the parties and thereby directed the Association to reconnect the water supply after receiving the entire arrears of maintenance. Therefore, there is no illegality in the judgement of the trial court. Even though the bye laws of the association have no clause to disconnection of the water supply, however the Hon'ble High court of Madras in Con.P.No. 3040 of 2014 dated 21.01.2019 (Exhibit-B1) directed the administrator to disconnect the water supply to the defaulters and the same was reiterated by the Hon'ble High court of Madras in

CRP.No. 2716 of 2019 dated 21.08.2019 (Exhibit- A4) and as per the High court order, the administrator had disconnected the water supply after giving repeated notices.

3.2.The Petitioner cannot blame others for his own faults. The respondent undertakes that if the petitioner clears the entire arrears of maintenance charges, he is ready to reconnect the water within a day. If not the Petitioner has to suffer for his own faults. There are 364 flats available under the association. When all the remaining flat owners are paying the maintenance charges regularly only the Petitioner has not paid the maintenance charges for the reasons best known to him. Article 52 of the limitation act is inapplicable in this case, when the Petitioner had asked for mandatory injunction to restore the water supply the trial judge directed the Association to restore the water supply after receiving the arrears of maintenance from the Petitioner. Further the trial judge had declared that the demand notice dated 18.02.2020 is valid and the said declaration was challenged in the main appeal. At this juncture, if the Petitioner want to clear the entire arrears, he is entitled for restoration of water supply.

3.3. In the above A.S both the counsels had submitted their Arguments and the main case is yet to be disposed and at this juncture this Application is filed only to prolong the case. Hence the petition is liable to be dismissed.

4.Point for consideration:-

Whether this petition is to be allowed or not?

5. Point:-

The appeal A.S.No. 136 of 2025 filed by the petitioner/appellant has been dismissed vide separate judgment. In view of the dismissal of the appeal, the present petition seeking relief u/s 151 of CPC to restore water supply to petitioner flat pending the disposal of appeal has become infructuous and hence, this petition is dismissed.

In the result this petition is dismissed. No costs.

Dictated directly to the Steno-Typist, corrected and pronounced by me in Open Court this the 15th day of July 2026.

sd/- Dr.R.Sathya

I Additional Judge.
(FAC) II Additional City Civil Court,
Chennai.

Petitioner side witness and Exhibits :-Nil

Respondent side witness and Exhibits:- Nil

sd/- Dr.R.Sathya

I Additional Judge.
(FAC) II Additional City Civil Court,
Chennai.

Draft/Fair order I.A.No.2/26 in A.S.No. 136 of 2025 Dated: 15.07.2026 II Additional Court.
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