

Heard the learned counsel for the plaintiff on I.A. No. 1 and perused the material available on record.

The plaintiff has instituted the present suit seeking the relief of declaration that he was duly elected as the President of Defendant No.1 Association for the term 2026–2027, to set aside the minutes and resolution passed in the Extraordinary General Meeting dated 05.07.2026, and to direct the holding of a fresh election only for the remaining 19 posts of the Managing Committee for the term 2026–2027.

According to the plaintiff, Defendant No.1 is an apartment owners' association consisting of about 430 flat owners as its members. The Association has 19 office bearers constituting the Managing Committee, and the tenure of the existing committee expired on 30.06.2026. Thereafter, the Association initiated the election

process and, on the recommendation of MyGate Group, appointed Defendant No.2 as the Election Officer by letter dated 16.06.2026 to conduct the election for the term 2026–2027.

It is the case of the plaintiff that Defendant No.2 issued the election notification and published the calendar of events. As per the notification, the election was scheduled to be held on 28.06.2026. The plaintiff filed his nomination for the post of President. Sri V.S. Suresh and Sri K. Vasanth Kumar Shetty filed nominations for the posts of Managing Committee Members, while the nomination of Sri Jayappa H. for the Managing Committee Member from F Block was rejected. After scrutiny, Defendant No.2 published the final list of eligible candidates on 24.06.2026. According to the plaintiff, no other nominations were received for the post of President and, therefore, he was the sole

contestant.

The plaintiff further contends that on 27.06.2026, after notifying all the members, Defendant No.2 declared him elected unopposed to the post of President. Similarly, Sri V.S. Suresh and Sri K. Vasanth Kumar Shetty were also declared elected unopposed to their respective posts. Consequently, according to the plaintiff, there was no necessity to conduct polling for those posts on 28.06.2026.

However, it is alleged that Defendant No.1 subsequently convened an Extraordinary General Meeting on 05.07.2026, wherein voting was conducted through handwritten ballots and entries were made against the attendance register. By a resolution said to have been passed with 67 votes, it was resolved to conduct fresh elections for all 19 posts of the Managing Committee, including the three posts in respect of which the plaintiff and the other two candidates had already been

declared elected unopposed by the Election Officer.

The plaintiff further states that pursuant to the said resolution, notices dated 07.07.2026 and 10.07.2026 were issued by Defendant No.2 proposing to conduct fresh elections for all 19 posts. Aggrieved by the said action, the plaintiff has filed the present suit along with I.A. No.1 seeking an order of temporary injunction.

In support of his case, the plaintiff has produced the Rules and Regulations of Defendant No.1 Association.

The learned counsel for the plaintiff contended that Defendant No.2, being the duly appointed Election Officer, issued Notification No.1 dated 18.06.2026 prescribing the entire election schedule and procedure. The notification provided the calendar of events, including filing of nominations from 19.06.2026 to 21.06.2026 between 11.00 a.m. and 5.00 p.m., scrutiny

of nominations on 22.06.2026, withdrawal of nominations on 23.06.2026, publication of the final list of candidates on 24.06.2026, and polling on 28.06.2026 between 9.00 a.m. and 2.00 p.m. The learned counsel drew the attention of the Court to the said notification and submitted that the Election Officer had completed the election process strictly in accordance with the prescribed procedure and had validly declared the plaintiff elected unopposed. It is therefore contended that the subsequent Extraordinary General Meeting and the decision to hold fresh elections for all the posts are illegal, arbitrary, and contrary to the Rules and Regulations governing the Association. The plaintiff has also produced the declaration of results of the election to Defendant No.1 Association for the term 2026–2027 dated 27.06.2026. The said document discloses that the plaintiff was declared elected unopposed to the post of President. It further shows

that Sri V.S. Suresh and Sri K. Vasanth Kumar Shetty were declared elected unopposed as Managing Committee Members representing G-Block.

The learned counsel for the plaintiff has further produced the official minutes of the Extraordinary General Meeting dated 05.07.2026 relating to the election process for the appointment of the Managing Committee for the term 2026–2027. The minutes disclose that, in continuation of the notice dated 27.06.2026, the Extraordinary General Meeting was convened on 05.07.2026. It was resolved that, in accordance with the mandate of the General Body, the existing Managing Committee would issue a fresh calendar of events and election notification by providing the mandatory notice period prescribed under the bye-laws.

The minutes further disclose that even after initiating a fresh election process in accordance with Option No.1 approved by the

General Body, if sufficient nominations were not received to satisfy the minimum quorum prescribed under the bye-laws, namely one-half of the total strength of the Managing Committee subject to a minimum of seven members, the General Body could consider adopting the system of draw of lots. Under the said proposal, two eligible members from each block would be selected by draw of lots, and thereafter the offices of President, Secretary, and Treasurer would be elected from among the members so selected.

The plaintiff has also produced the proceedings dated 13.07.2026 showing the appointment of Sri Sheshadri Krishnamurthy as the Election Officer for conducting the fresh election process.

The learned counsel for the plaintiff has placed reliance upon the judgment of the Hon'ble High Court of Karnataka in W.P. No. 19244/2024 in support of her contention that a duly completed

election process cannot be nullified by a subsequent resolution of the General Body except in accordance with law and the applicable by-laws.

The plaintiff has sought an *ex parte* ad interim order of temporary injunction restraining Defendant Nos.1 and 3 from conducting elections to the post of President and the G-Block Managing Committee Member for the term 2026–2027. It is contended that the plaintiff had already been declared elected unopposed by the duly appointed Election Officer and that the Managing Committee of Defendant No.1, by convening the Extraordinary General Meeting and passing the impugned resolution, is attempting to invalidate a concluded election, which, according to the plaintiff, is wholly impermissible under the Rules and Regulations of the Association. It is therefore submitted that unless an order of temporary injunction is granted, the defendants will proceed with the

proposed fresh election, rendering the suit infructuous and causing irreparable injury to the plaintiff.

On perusal of the election result notification dated 27.06.2026, it prima facie discloses that the Election Officer had already declared the plaintiff elected unopposed to the post of President. The said notification further reveals that Sri V.S. Suresh and Sri K. Vasanth Kumar Shetty were also declared elected unopposed as Managing Committee Members representing G-Block.

Despite the declaration of the election results, Defendant No.1 convened an Extraordinary General Meeting on 05.07.2026 and passed a resolution proposing to conduct fresh elections. The minutes of the Extraordinary General Meeting further disclose that the caretaker Managing Committee proposed to issue a revised calendar of events by providing the mandatory 21 days' notice as prescribed under Section 9 of the Association Bye-laws.

The material placed before the Court further discloses that, pursuant to the appointment of the Election Officer on 16.06.2026, the election process had already commenced by issuance of the election notification, invitation of nominations, scrutiny, publication of the final list of candidates and declaration of the uncontested results on 27.06.2026. Prima facie, there is nothing on record to indicate that the earlier election process or the declaration of the results has been cancelled, set aside, or declared invalid by any competent authority in accordance with the Bye-laws.

In such circumstances, permitting the defendants to conduct a fresh election in respect of the posts for which the candidates have already been declared elected unopposed would give rise to multiplicity of proceedings and may render the relief sought in the suit infructuous. The plaintiff has therefore made out a prima facie case. The balance of

convenience also lies in favour of preserving the status quo in respect of the posts already filled, while permitting the election process to continue for the remaining vacant posts. If interim protection is refused, the plaintiff is likely to suffer irreparable injury which cannot be adequately compensated in terms of money.

Accordingly, this Court is of the opinion that the plaintiff has made out sufficient grounds for grant of an *exparte ad interim* order of temporary injunction.

ORDER

Pending hearing and final disposal of I.A. No.1, an *exparte ad interim* order of temporary injunction is hereby granted restraining Defendant Nos.1 to 3 from conducting election to the post of President and the G-Block Managing Committee Members for the term 2026–2027, as the said posts have already been declared elected unopposed by the Election

Officer. However, the defendants are at liberty to proceed with the election process in respect of the remaining 16 posts of the Managing Committee, in accordance with the Bye-laws and the election schedule.

The plaintiff shall comply with the provisions of Order XXXIX Rule 3 of the Code of Civil Procedure forthwith.

Issue exparte temporary injunction order, notice of I.A.No.1 and suit summons to the defendants if process fee paid and postal covers furnished.

VI ACC & SJ., B'luru