



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF APRIL, 2026

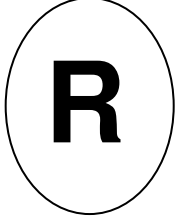
BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO. 1426 OF 2026 (GM-CPC)

C/W

WRIT PETITION NO. 1446 OF 2026 (GM-CPC)



IN WP No. 1426/2026

BETWEEN:

1. SRI G T KUMAR
S/O LATE SRI. G.A THIMMAPAGOWDA
AGED ABOUT 65 YEARS
R/AT K.R PURAM, HASSAN-573201
SECRETARY,
MALNAD TECHNICAL EDUCATION SOCIETY,
HASSAN.
2. SRI. B.R GURUDEV
AGED ABOUT 70 YEARS
S/O RAJASHEKAR,
COFFEE PLANTER,
R/O GURUKRUPA,
SHIVAKRUPA ESTATE,
BALLUPET, SAKALESHPURA TALUK,
CHAIRMAN, MALNAD TECHNICAL
EDUCATION SOCIETY, HASSAN.
3. SRI. S.G SRIDHARA
S/O LATE SRI. S V GUNDU RAO
AGED ABOUT 56 YEARS
R/AT S V GUNDU RAO AND CO
1ST FLOOR, VIDYA BHAVAN
OLD BUS STAND ROAD
HASSAN-573201
TREASURER, MALNAD TECHNICAL
EDUCATION SOCIETY, HASSAN.
4. SRI. ASHOK HARANAHALLI
S/O LATE SRI. HARANAHALLI RAMASWAMY





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WP No. 1426 of 2026
C/W WP No. 1446 of 2026

AGED ABOUT 67 YEARS
R/AT NO. 558, 1 ST MAIN ROAD,
3RD BLOCK, RMV 2ND STAGE,
BENGALURU-560 094
EC MEMBER, MALNAD TECHNICAL
EDUCATION SOCIETY, HASSAN.

5. SRI. ANOOP HARANAHALLI
S/O. SRI. ASHOK HARANAHALLI
AGED ABOUT 36 YEARS
R/AT NO.558 1ST MAIN ROAD,
3RD BLOCK, RMV 2ND STAGE,
BENGALURU-560 094
EC MEMBER, MALNAD TECHNICAL
EDUCATION SOCIETY, HASSAN.
6. SRI. KARTHIK S BAPAT
S/O. LATE SRI. S.D BAPAT
AGED ABOUT 44 YEARS
R/AT NO. 126, 2ND CROSS,
GARDEN VILLAS,
GOVINDARAJNAGAR WARD,
NAGARABHAVI MAIN ROAD,
VIJAYANAGARA WEST,
BANGALORE-560072
EC MEMBER, MALNAD TECHNICAL
EDUCATION SOCIETY,
HASSAN.
7. SRI. K.M SHIVANNA
AGED ABOUT 73 YEARS
S/O LATE SN. KS MALLAPPA
R/AT KENCHAMBA SAMPIGE ROAD,
K.R. PURAM, HASSAN – 573 201
EC MEMBER,
MALNAD TECHNICAL EDUCATION SOCIETY,
HASSAN.
8. SRI K. PRABHAKAR,
AGED ABOUT 65 YEARS.
S/O LATE SRI. KA KRISHNASWAMY
R/AT 9TH CROSS, SHANKARMUTT ROAD,
K.R PURAM, HASSAN – 573 201
EC MEMBER,
MALNAD TECHNICAL EDUCATION SOCIETY,
HASSAN.



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9. SRI. K.N GURAPPA
AGED ABOUT 60 YEARS
S/O LATE SRI. NANJAPPAGOWDA,
R/AT BALERAKOPPAL ESTATE,
RAYARAKOPPAL POST,
K.H HOBLI, ALURU TALUK,
HASSAN - 573129
EC MEMBER,
MALNAD TECHNICAL EDUCATION SOCIETY,
HASSAN.
10. SRI. M.S SURESH,
AGED ABOUT 62 YEARS.
S/O LATE SRI. SAMARTH RAMDAS,
R/AT NO. 1313, OPP DREAMS
RING ROAD, NAGARABHAVI MAIN ROAD,
HASSAN -573 201.
11. SRI. ARJUN GURUDEV
AGED ABOUT 45 YEARS,
S/O SRI. B.R GURUDEV,
R/AT GURUGANGA, 3RD MAIN,
SADASHIVNAGAR, BENGALURU-560080
EC MEMBER,
MALNAD TECHNICAL EDUCATION SOCIETY,
HASSAN.
12. SRI. G.R SRINIVASA
S/O LATE SRI. RAMASWAMY
AGED ABOUT 63 YEARS,
R/AT NO.319, SHANKARIPURAM,
HASSAN-573 201
EC MEMBER,
MALNAD TECHNICAL EDUCATION SOCIETY,
HASSAN.
13. SRI. D.C.ARAVIND,
S/O. LATE D.A. CHANDREGOWDA,
AGED ABOUT 59 YEARS,
R/A. PRASHANTH NILAYA,
NO. 1824, RAVINDRANAGAR,
HASSAN-573 201

...PETITIONERS

(BY SRI. SUBRAMANYA .R, ADVOCATE)



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C/W WP No. 1446 of 2026

AND:

1. MALNAD TECHNICAL EDUCATION SOCIETY
REPRESENTED BY ITS EC MEMBER
SRI. R.T DYAVEGOWDA,
AGED ABOUT 91 YEARS,
S/O LATE SRI. THIMMEGOWDA
R/AT RAVINDRANAGAR, HASSAN-573 201.
 2. MALNAD TECHNICAL EDUCATION SOCIETY,
REPRESENTED BY ITS EC MEMBER
SRI. C.R JAGADEESH,
AGED ABOUT 58 YEARS,
R/AT KRUPA NILAYA,
1ST FLOOR, BEHIND CHRIST PUBLIC SCHOOL,
RING ROAD, VIDYANAGARA,
HASSAN – 573 202.
 3. THE MALNAD TECHNICAL EDUCATION SOCIETY,
REPRESENTED BY ITS EC MEMBER
SRI. H.D PARSWANATH,
S/O SRI.H.P DHARANAPPA
AGED ABOUT 75 YEARS
H.P DHARANAPPA AND SONS,
MERCHANT, SANTHEPETE,
HASSAN 573 201.
 4. THE REGISTRAR OF SOCIETIES
NEAR PLANTERS BANK, NEAR KARIGOWDA COLONY,
HASSAN-573 201.
 5. THE JOINT REGISTRAR OF SOCIETIES
NO. 1, ALI ASKAR ROAD, BENGALURU – 560 052.
- ...RESPONDENTS

(BY SRI. RAVI.M.M, ADVOCATE FOR C/R-1 TO R-3
SMT. HEMALATHA.V, AGA FOR R-4 & R-5)

THIS W.P IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 14.01.2026 PASSED IN MA NO.26/2025 BY THE 1ST ADDL. SENIOR CIVIL JUDGE AND JMFC HASSAN AT ANNEXURE R, AND ORDER DATED 04.12.2025 PASSED ON IA NO.IV IN O.S.NO.762/2025 ON THE FILE OF THE VII ADDITIONAL CIVIL JUDGE AND JMFC, HASSAN, AT ANNEXURE G AND CONSEQUENTLY ALLOW IA NO.IV AT ANNEXURE F3, THEREBY RESTRAINING THE OFFICE BEARERS FROM DISCHARGING DUTIES AS CHAIRMAN, SECRETARY AND TREASURER OF THE SOCIETY AND NOT



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HINDERING THE PETITIONERS FROM DISCHARGING THEIR DUTIES AS SECRETARY, CHAIRMAN AND TREASURER RESPECTIVELY.

IN WP NO. 1446/2026

BETWEEN:

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AGED ABOUT 65 YEARS
S/O LATE SRI. G.A THIMMAPAGOWDA
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BALLUPET, SAKALESHPURA TALUK,
HASSAN – 573 272
CHAIRMAN, MALNAD TECHNICAL
EDUCATION SOCIETY, HASSAN.
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AGED ABOUT 65 YEARS,
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R/AT 9TH CROSS, SHANKARMUTT ROAD,
K.R PURAM,
HASSAN – 573 201
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R/AT BALERAKOPPAL ESTATE,
RAYARAKOPPAL POST, K.H HOBLI,
ALURU TALUK, HASSAN 573 129
EC MEMBER,
MALNAD-TECHNICAL EDUCATION SOCIETY.
10. SRI. M.S SURESH,
AGED ABOUT 62 YEARS,
S/O LATE SRI. SAMARTH RAMDAS,
R/AT NO. 1313, OPP DREAMS
RING ROAD, NAGARABHAVI MAIN ROAD,
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EC MEMBER,



MALNAD TECHNICAL EDUCATION SOCIETY,
HASSAN.

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AGED ABOUT 45 YEARS,
S/O SRI. B.R GURUDEV.
R/AT GURUGANGA, 3RD MAIN.
SADASHIVNAGAR,
BENGALURU – 560 080
EC MEMBER, MALNAD TECHNICAL
EDUCATION SOCIETY, HASSAN.
12. SRI. G.R SRINIVASA
AGED ABOUT 63 YEARS,
S/O LATE SRI. RAMASWAMY
R/AT NO.319, SHANKARIPURAM, HASSAN 573201
EC MEMBER, MALNAD TECHNICAL
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13. SRI. D C.ARAVIND,
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AGED ABOUT 59 YEARS,
R/A. PRASHANTH NILAYA,
NO. 1824, RAVINDRANAGAR,
HASSAN-573201

...PETITIONERS

(BY SRI. A. RAVISHANKAR, ADVOCATE)

AND:

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REGISTER UNDER SOCIETIES REGISTRATION ACT, 1956
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3. THE MALNAD TECHNICAL EDUCATION SOCIETY.
REPRESENTED BY ITS EC MEMBER
SRI. HD PARSWANATH,
AGED ABOUT 75 YEARS,
S/O SRI.H.P DHARANAPPA
H.P DHARANAPPA AND SONS,
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HASSAN – 573 201.
5. THE JOINT REGISTRAR OF SOCIETIES
NO. 1, ALI ASKAR ROAD,
BENGALURU - 560052

...RESPONDENTS

(BY SRI. NAGARAJ D, ADVOCATE FOR R-1 TO R-3
SMT. V. HEMALATHA, AGA FOR R-4 & R-5)

THIS W.P IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 14.01.2026 PASSED IN MA NO.25/2025 BY THE 1ST ADDL. SENIOR CIVIL JUDGE AND JMFC HASSAN AT ANNEXURE R, AND ORDER DATED 04.12.2025 PASSED ON IA NO. III IN O.S. NO. 762/2025 ON THE FILE OF THE VII ADDITIONAL CIVIL JUDGE AND JMFC, HASSAN, AT ANNEXURE G, AND CONSEQUENTLY DISMISS IA NO. III, AT ANNEXURE F1.

THESE PETITIONS ARE BEING HEARD AND RESERVED ON 21.02.2026 COMING ON FOR PRONOUNCEMENT OF ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:-



CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

CAV ORDER

In W.P.No.1426/2026, petitioners have sought for the following reliefs:-

“ a) *Issue a Writ of Certiorari and quash the order dated: 14.01.2026 passed in MA No. 26/2025 by the 1st Addl. Senior Civil Judge and JMFC, Hassan at Annexure-R, and order dated: 04.12.2025 passed on IA No. IV in OS No. 762/2025 on the file of the VII Additional Civil Judge and JMFC, Hassan, at Annexure-G in rejecting IA No. IV; and consequently allow IA No. IV, at Annexure-F3, thereby restraining the office bearers from discharging duties as Chairman, Secretary and Treasurer of the society and not hindering the Petitioners from discharging their duties as Secretary, chairman & Treasurer respectively.*

b) Grant such other relief/s that his Hon'ble Court deems fit in the facts and circumstances of the above case.”

In W.P.No.1446/2026, petitioners seeks for the following reliefs:-

“ a) *Issue a Writ of Certiorari and quash the order dated: 14.01.2026 passed in MA No. 25/2025 by the 1st Addl. Senior Civil Judge and JMFC, Hassan, at Annexure-R, and order dated: 04.12.2025 passed on IA No. III in OS No.*



762/2025 on the file of the VII Additional Civil Judge and JMFC, Hassan, at Annexure-G and consequently dismiss IA No.III, at Annexure-F1;

b) Grant such other relief/s that his Hon'ble Court deems fit in the facts and circumstances of the above case."

2. Both these petitions arise out of the impugned common order dated 04.12.2025 passed on the interlocutory applications I.A.Nos.3 and 4 in O.S.No.762/2025 by the VII Addl.Civil Judge, Hassan (for short 'the Trial court'), which was confirmed by the impugned common order dated 14.01.2026 passed in M.A.No.25/2025 and M.A.No.26/2025 by the I Addl.Senior Civil Judge and JMFC, Hassan (for short 'Appellate court'), which dismissed the appeals filed by the petitioners herein, thereby confirming the impugned orders passed by the Trial court.

3. Briefly stated, the facts giving rise to the present petitions are as under:-

Respondents 1 to 3 are the plaintiffs in the aforesaid O.S.No.762/2025 filed by them against the petitioners – defendants 1 to 13 and respondents 4 and 5 – defendants 14 and 15 for declaration, permanent injunction and other reliefs in relation to the



plaint schedule society, viz., the Malnad Technical Education Society (R), Hassan, Registration No.2089/58-59 dated 22.01.1959, situated near MCE Ganapathi Temple, M.G.Road, Vidyanagara, Hassan. The said suit is being contested by the petitioners – defendants 1 to 13. For the purpose of convenience, parties are referred to by their respective rankings before the trial court.

3.1 In the aforesaid suit in O.S.No.762/2025, the plaintiffs filed an application I.A.No.3 under Order 39 Rules 1 and 2 CPC for temporary injunction restraining the defendants 1 to 13 from interfering, obstructing or causing nuisance with respect to management, administration, affairs of the plaintiffs – society until disposal of the suit. So also, defendants 1 to 13 also filed an application for temporary injunction restraining the plaintiffs from disturbing, causing hindrance, interfering with discharging of duties of defendants 1, 2 and 12 as Chairman, Secretary and Treasurer respectively of the Malnad Technical Education Society in any manner until disposal of the suit. Both plaintiffs and defendants filed objections to the applications and contested the same culminating in the impugned common order dated 04.12.2025,



whereby the Trial court allowed the application I.A.No.3 filed by the plaintiffs against the defendants 1 to 13 and rejected the application I.A.No.4 filed by defendants 1 to 13 against the plaintiffs.

3.2 Aggrieved by the aforesaid order passed by the trial court, defendants 1 to 13 who are the petitioners herein filed appeals in M.A.No.26/2025 and M.A.No.25/2025 which were dismissed by the Appellate court vide impugned common order dated 14.01.2026. As stated supra, aggrieved by the impugned orders passed by the Trial court and Appellate court granting temporary injunction in favour of plaintiffs – respondents 1 to 3 and declining to grant temporary injunction in favour of defendants 1 to 13 – petitioners, they are before this Court by way of the present petitions.

4. Heard learned counsel for the petitioners in both the petitions and learned counsel for the respondents and perused the material on record.

5. In addition to reiterating the various contentions urged in the petition and referring to the material on record, learned counsel



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for the petitioners in W.P.No.1426/2026 submitted that both the Trial court and Appellate court failed to consider and appreciate that in view of the provisions contained in Section 15 of the Karnataka Societies Registration Act, 1960 (for short ' the KSR Act'), authorization was essential and mandatory before the plaintiffs – Society, instituted the instant suit and in the absence of any resolution empowering, authorizing or enabling the plaintiffs to institute the suit on behalf of plaintiffs – Society, the suit itself was not maintainable and the application for temporary injunction filed by the plaintiffs was also not maintainable and devoid of merit and the same was liable to be dismissed. It was therefore submitted that the impugned orders passed by both the Courts granting temporary injunction in favour of the plaintiffs and declining to grant temporary injunction in favour of defendants 1 to 13 deserve to be set aside. In support of his submissions, learned counsel for the petitioner places reliance upon the following judgments:-

- (i) Asma Lateef v. Shabbir Ahmad (2024) 4 SCC 696;**
- (ii) P Nazeer v. Salafi Trust 2022 SCC OnLine SC 382;**
- (iii) Ramesh v. HebbarSree Vaishnava Sabha RFA 320/2014 dt. 12.12.2025;**



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- (iv) *R Ganeshan v. Bharath Jaganthan - MFA***
3508/2023 dt. 20.03.2024;
(v) *B.H Inamdar v. BF Swamy- ILR 1991 KAR 1654;*
(vi) *Advocates Association, Bangalore v. The*
District Registrar - 2006 SCC OnLine KAR 275;
(vii) *Sunanda v. Satya Deepa - ILR 2023 KAR 2061*

6. Similarly, learned counsel for the petitioners in W.P.No.1446/2026 would reiterate the various contentions urged in the petition and referred to the material on record in order to contend that the impugned orders passed by the Trial court and Appellate court are illegal and opposed to facts and law and the same deserve to be set aside. It was submitted that the suspension of defendants 11 to 13 as Members of the Executive Committee on 06.09.2025 was illegal and contrary to the procedure prescribed under the Byelaws governing the plaintiffs – Society apart from the suspension order being passed without any basis or material to justify the same and without conducting any enquiry / preliminary enquiry and in violation of principles of natural justice and as such, the alleged suspension order dated 06.09.2025 purporting to suspend defendants 11 to 13 from continuing to function as members of the Executive Committee of plaintiffs – Society was illegal, non-est, invalid, inoperative and *void ab initio*



and both the Curts fell in error in placing reliance upon the suspension order to uphold the claim of the plaintiffs and reject the claim of defendants 1 to 13.

6.1 Learned counsel for the petitioners would also invite my attention to the order passed during the meeting of the Executive committee of the plaintiffs – Society (comprising of 24 members) on 08.09.2025 in order to point out that in the said meeting, the motion of no confidence moved against the Chairman – Sri.R.T.Dyavegowda, Secretary – Sri.C.R.Jagadish and Treasurer- Sri.Parshwanath was successful by way of simple majority of 11 members voting against the no confidence motion while 13 members (defendants 1 to 13) voted in favour of the motion, as a result of which, the said 3 persons were removed from their respective posts, pursuant to which, defendants 1, 2, and 12 were elected as the new Chairman, Secretary and Treasurer on the very same day i.e., 08.09.2025 in the presence of the Deputy Registrar of Co-operative Society who as appointed as an official observer by the Registrar to observe and oversee the proceedings of the meeting held / conducted on 08.09.2025 and his report dated 17.09.2025 in favour of defendants 1 to 13 and against the plaintiffs



having been confirmed by this Court in W.P.No.28649/2025 dated 23.09.2025, the claim of plaintiffs – Society was liable to be rejected.

6.2 It was further submitted that during the pendency of the present petitions, after completion of a period of one year from 11.01.2025 when the aforesaid persons were elected, this Court appointed Sri.M.N.Uma Shankar, learned counsel of this Court as a Court Commissioner / Observer to oversee and conduct a meeting of the plaintiffs – Society on 12.02.2026 in the presence of all 24 members of the Executing Committee and in the said Meeting, 14 members who were in excess of simple majority voted in favour of the no confidence motion, while the remaining 10 members only, voted against the motion, thereby establishing that the aforesaid 10 members including the Ex-Chairman – Sri.R.T.Dyavegowda, Ex-Secretary – C.R.Jagadish and Ex-Treasurer- Sri.Parshwanath did not have any right to continue to remain in the Management of the plaintiffs – Society and their claim was liable to be rejected by setting aside the impugned orders and upholding the claim of defendants 1 to 13. It was also submitted that the judgments relied upon by the learned counsel for the plaintiffs are distinguishable on



facts and would not apply to the facts of the present case and as such, the impugned orders passed by the Trial court and Appellate court deserve to be set aside. In support of his submissions, learned counsel places reliance upon the following judgments:-

(i) Vipulbhai M.Chaudhary v. Gujarat Co-Operative Milk Marketing Federation Limited And Others (2015) 8 SCC 1;

(ii) Renuka Prasad K.V. v. RajyaVokkaligara Sangha, 2024 SCCOnLine Kar 26343;

(iii) Ratnamma Baramappa Nagara v.State of Karnataka, 2020 SCC OnLineKar 5162;

(iv) Karnataka State Primary School v.Nagesh MFA 4318/2020 dt.11.08.2023 ;

(v) Anil Pratap Singh v. Bar Council of India and ors 2017 (123) ALR 44.

7. Per contra, learned counsel for respondents 1 to 3 – plaintiffs would support the impugned orders and submit that the suspension of defendants 11 to 13 on 06.09.2025 was perfectly legal and proper, as a result of which, the said persons were not entitled to participate in the meeting conducted on 08.09.2025, much less in the motion for no confidence or election of defendants 1, 2 and 12 in the said meeting and both the Courts were fully justified in recording the said findings against the defendants. It



was submitted that for the purpose of moving no confidence motion, 2/3rd majority of the Members of the Executive Committee was required / essential which comes to 16 members out of the total strength of 24 members and since, in the meeting held on 08.09.2025, only 13 members supported the motion as also on 12.02.2026, when only 14 members supported the no confidence motion, the said number of members fell short of 2/3rd majority of 16 members and as such, both the Courts have correctly upheld the claim of the plaintiffs and rejected the claim of the defendants by passing the impugned orders, which do not warrant interference by this Court in the present petitions. In support of his submissions, he placed reliance upon the following judgments:-

- (i) Vishaka v. State of Rajasthan (1997) 6 SCC 241;***
- (ii) Vineet Narain v. UOI (1998) 1 SCC 226;***
- (iii) PravasiBhalaiSanghatan v. UOI (2014) 11 SCC 477;***
- (iv) Anoop Baranwal v. UOI (2023) 6 SCC 161;***
- (v) Vipulbhai M.Chaudhary v. Gujarat Co- Operative Milk Marketing Federation Limited And Others (2015) 8 SCC 1;***
- (vi) Basrur Rajeev Shetty v. Indian Red Cross Societies, WA 532 of 2021, dated 17.06.2021;***



- (vii) Shivappa Sadeppa Kiwadasannavar vs The
Deputy Registrar Of Co Operative Societies &
others – w.P.No.107690/2025 dated 15.12.2025;***
(viii) Bhanumati v. State of UP (2010) 12 SCC 1;
(ix) A.C Muthiah v. BCCI (2011) 6 SCC 617

8. I have given my anxious consideration to the rival submissions and perused the material on record.

9. In my considered opinion, the impugned orders passed by the Trial court and Appellate court are illegal and opposed to law and facts and both the Courts have committed a grave and serious errors in upholding the claim of the plaintiffs and rejecting the claim of the petitioners – defendants 1 to 13 by improper and erroneous appreciation of the material on record, which has occasioned failure of justice warranting interference by this Court in the present petitions for the following reasons:-

(i) As noted above, the petitioners contend that the suit filed by the plaintiffs – society represented by the Chairman along with its Secretary and Treasurer was not maintainable without a specific authorisation and a resolution by the Executive Committee. In this context, it is necessary to extract the provisions contained in Section 15 of the KSR Act, which reads as under:-



“15. Suits by and against society.- Every society registered under this Act may sue or be sued in the name of the president, chairman, or principal secretary or the trustees as shall be determined by the rules and regulations of the society, and, in default, of such determination, in the name of such person as shall be appointed by the governing body for the occasion:

Provided that, it shall be competent for any person having a claim or demand against the society, to sue the president or chairman, or principal secretary or the trustees thereof, if, on application to the governing body, some other officer or person be not nominated to be the defendant.”

(ii) As can be seen from the aforesaid provision, the plaintiffs

– Society is entitled to sue or be sued in the name of President, Chairman or Principal Secretary or Trustees as shall be determined by the Rules, Regulations, Byelaws etc., of the Society and in the absence / default of such determination in the Rules, Regulations, Byelaws etc., the plaintiffs – Society would be entitled to sue or be sued in the name of such person(s) as shall be appointed by the Governing body / Executive Committee etc., under / by virtue of a Resolution in this regard. In the instant case, the plaintiffs instituted the suit without there being any Resolution passed by the Executive committee / Governing body which authorised / empowered, enabled or entitled its Chairman, Secretary or



Treasurer to institute the suit on behalf of plaintiffs – Society; in fact, a perusal of the plaint averments will clearly indicate that even according to the plaintiffs, no resolution was passed by the Executive committee in favour of the Chairman, Secretary or the Treasurer to institute the instant suit against the defendants. So also, the Byelaws of plaintiffs – Society, in particular, Byelaw Nos.6(a), 7(I)(g) and 7(II) (b) clearly indicate that legal proceedings can be instituted only by the Executive Committee, which alone is entitled / empowered to institute the present suit. As stated supra, in the light of material on record, in particular, the aforesaid Byelaws of the plaintiffs - Society which provide for the Executive Committee alone and not for either the Chairman, Secretary and Treasurer to institute the present suit on behalf of the Society and in the absence of any Resolution by the Executive Committee in this regard, I am of the considered opinion that *prima facie*, the instant suit filed by plaintiffs – society purported to be represented by its Chairman, Secretary and Treasurer was *prima facie* not maintainable and failure on the part of the Trial court and the Appellate court to appreciate this, has resulted in erroneous conclusion.



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(iii) In ***Inamdar's case supra***, this Court held as under:-

“10. Article 17 of the Memorandum of Association provides that the Secretary of the Association for the time being or any other person authorised by the Board in that behalf shall represent the Association in any legal proceeding that may be instituted by or against the Association. Article 17 therefore deals with a situation where a decision has already been taken to file or defend a suit. Once the suit is properly instituted, Article 17 authorises the Secretary to represent the Society in that suit. The authority to file a suit is quite different from the authority to represent the Society in a suit which has been validly instituted. In my view, Articles 10 and 17 read together do not substantiate the plea that the Secretary has been authorised to institute suits on behalf of the Society. The decision to file or defend suits must be taken by the Board itself since the power to administer the affairs and conduct the activities of the association vests in the Board. It is important that power to institute or defend suits must vest in the Board, it is open to the Secretary or President or Principal Secretary to file or not to file a suit resulting in abuse of power. Where the Society has a just claim, the Secretary may not file a suit. Conversely, where the Society has a sound defence, the Secretary may concede the claim in Court. With a view to avoid such eventualities Article 10 of the Memorandum of Association vests power in the Board itself to file or defend suits. In my view, therefore, unless the Board by a resolution authorises the filing of a suit, the Secretary on his own cannot institute a suit against any person.

11. In the instant case, no resolution has been brought on record authorising the filing of a suit. The Secretary therefore had no authority to file a suit on behalf of the Society. The Courts below, therefore, were justified in holding that the suit filed by the



plaintiff was not properly instituted in the absence of a resolution passed by the Board authorising him to file such a suit.

12. The Appellate court has referred to some of the decisions cited at the Bar. I find that most of those decisions have taken the view that Section 6 of the Societies Registration Act (1860), which is in the same terms as Section 15 of the Karnataka Act, is only an enabling provision which enables the Society by rules and regulations to determine in whose name the Society may sue or be sued. I may however refer to the decision of the Punjab High Court in the case of Patiala Aviation Club, Patiala v. The Presiding Officer, Labour Court, Ludhiana [AIR 1974 Punjab 256.] . In that decision, an appeal was filed by the Manager of the Club. He was clearly incompetent to file the suit, because the Manager was not the President, Chairman, Principal Secretary or the Trustees of the club. There was also no special authorisation in favour of the Manager. In that view of the matter, I have no doubt that in view of Article 10 of the Memorandum of Association the decision to file a suit must be that of the Board. In the instant case, there is nothing to show that under the rules and regulations it has been determined as to in whose name the Society may sue or be sued and that does not prevent the governing body to nominate a person in that behalf. But even if such determination were to be made under the rules and regulations that would only determine in whose name the Society may sue or be sued. The power however to file or defend suits shall vest in the board and unless the board by a resolution so authorises no suit can be filed even by a person in whose name the Society may sue or be used. The Courts below have taken a correct view of law. Therefore, I find no merit in this Regular Second Appeal and it is accordingly dismissed. There will be no order as to costs."



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(iv) In **Ramesh's case supra**, this Court held as under:-

*"19. A perusal of the Memorandum of Association and the Resolution passed in the Annual General Body Meeting would indicate that as per clause 39(b) of the Bye-laws, suits by or against the plaintiff-Sabha shall be in the name of the Sabha represented by its President. In the Annual General Body Meeting, in order to take action against the defendants for recovery of sum of Rs.6,50,000/- is concerned, a Resolution has been passed in the AGM. In the backdrop of these aspects, it is relevant to extract the declaration of law made by this Court in the case of **B.H.INAMDAR vs. B.F.SWAMY reported in ILR 1991 KAR 1654**, wherein an identical issue was raised with regard to the capacity of the persons in whose name the Society may sue or be sued. In this regard, paragraphs 10 to 12 reads as under:*

"10. Article 17 of the Memorandum of Association provides that the Secretary of the Association for the time being or any other person authorised by the Board in that behalf shall represent the Association in any legal proceeding that may be instituted by or against the Association. Article 17 therefore deals with a situation where a decision has already been taken to file or defend a suit. Once the suit is properly instituted, Article 17 authorises the Secretary to represent the Society in that suit. The authority to file a suit is quite different from the authority to represent the Society in a suit which has been validly instituted. In my view, Articles 10 and 17 read together do not substantiate the plea that the Secretary has been authorised to institute suits on behalf of the Society. The decision to file or defend suits must be taken by the Board itself since the power to administer the affairs and conduct the activities of the association vests in the Board. It is important that power to institute or defend suits must vest in the Board, it is open to the Secretary or President or Principal Secretary to file or not to file a suit resulting in abuse of power. Where the Society has a just claim, the Secretary may not file a suit. Conversely, where the Society has a sound defence, the Secretary may concede the claim in Court. With a view to avoid such eventualities Article 10 of the Memorandum of Association vests power in the Board



itself to file or defend suits. In my view, therefore, unless the Board by a resolution authorises the filing of a suit, the Secretary on his own cannot institute a suit against any person.

11. In the instant case, no resolution has been brought on record authorising the filing of a suit. The Secretary therefore had no authority to file a suit on behalf of the Society. The Courts below, therefore, were justified in holding that the suit filed by the plaintiff was not properly instituted in the absence of a resolution passed by the Board authorising him to file such a suit.

12. The Appellate court has referred to some of the decisions cited at the Bar. I find that most of those decisions have taken the view That Section 6 of the Societies Registration Act (1860), which is in the same terms as Section 15 of the Karnataka Act, is only an enabling provision which enables the Society by rules and regulations to determine in whose name the Society may sue or be sued. I may however refer to the decision of the Punjab High Court in the case of PATIALA AVIATION CLUB, PATIALA v. THE PRESIDING OFFICER, LABOUR COURT, LUDHIANA AND OTHERS . In that decision, an appeal was filed by the Manager of the Club. He was clearly incompetent to file the suit, because the Manager was not the President, Chairman, Principal Secretary or the Trustees of the club. There was also no special authorisation in favour of the Manager. In that view of the matter, I have no doubt that in view of Article 10 of the Memorandum of Association the decision to file a suit must be that of the Board, In the instant case, there is nothing to show that under the rules and regulations it has been determined as to in whose name the Society may sue or be sued and that does not prevent the governing body to nominate a person in that behalf. But even if such determination were to be made under the rules and regulations that would only determine in whose name the Society may sue or be sued. The power however to file or defend suits shall vest in the board and unless the board by a resolution so authorises no suit can be filed even by a person in whose name the Society may sue or be used, The Courts below have taken a correct view law. Therefore, I find no merit in this Regular Second Appeal and it is accordingly dismissed. There will be no order as to costs."

20. Having taken note of the declaration of law made by this



Court in the aforementioned case and the reasons assigned therein would indicate that, there must be a Resolution passed by the Office Bearers of the Central Committee to authorize a person to file a suit against the defendants. In this regard, since the suit has been filed by the then President of the Sabha based on the AGM, could not be accepted unless there is a Resolution to that effect that has been passed in accordance with the Memorandum of Association and the Rules of the Sabha is concerned. It is well established principle in law that, filing a suit by the Office Bearers of the Society is different from representing the suit in the matter. In that view of the matter, since the Resolution has not been passed by the Central Committee to file a suit against the defendants and in the absence of the same, I am of the view that the finding recorded by the Trial court requires to be interfered with in this appeal as the same has caused miscarriage of justice.”

(v) In **Advocate’s Association Bangalore’s case supra**,
this Court held as under:-

“12. Section 15 of the Karnataka Societies Registration Act read with Section 10 which would deal with the powers of the society to institute a suit or be sued. It is appropriate to extract the provisions of Section 15 of the Karnataka Societies Registration Act, which reads as follows.—

“15. Suits by and against Society.— Every society registered under this Act may sue or be sued in the name of the President, Chairman or Principal Secretary or the trustees as shall be determined by the rules and regulations of the society, and, in default, of such determination, in the name of such person as shall be appointed by the governing body for the occasion:



Provided that, it shall be competent for any person having a claim or demand against the society, to sue the President or Chairman or Principal Secretary or the trustees thereof, if, on application to the governing body, some other officer or person be not nominated to be the defendant”.

13. *A reading of Section 15 of the Act would disclose that every society which is registered under the Act may sue or be sued in the name of the President, Chairman or Principal Secretary or the Trustees as shall be determined by the rules and regulations of the Society and in default in the name of such person who shall be appointed by the Governing body for the occasion. The interpretation of Section 15 is no longer res integra, inasmuch as, a series of decisions of this Court would clearly disclose that the proceedings cannot be maintained unless authorised by the Governing Council. The Secretary on his own cannot institute a proceeding. The relevant bye-laws have been referred in the preceding paragraph. A compendious reading of the said bye-laws do not disclose nor any resolution is produced in this proceeding to show that the Secretary of the Association was authorised to file the present writ petition. The first of the case in respect of maintain ability of the proceedings without there being any resolution to institute proceedings was dealt with by this Court in the case of Muddappa. It is useful to extract the relevant para which deals with the scope of Section 15:*

“31. It would be seen from the above provisions that the society could sue or be sued in the name of the President, Chairman or Principal Secretary or the Trustees as determined by the Rules and Regulations of the Society and in the absence of any such determination in the name of such person as shall be appointed by the Governing body for



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the occasion and the suit or the proceeding in any Civil Court shall not abate or discontinue by reason of the person by or against whom such suit or proceeding shall have been brought or continued dying or ceasing to fill the character in the name whereof, he shall have sue or been sued but the same suit or proceeding shall be continued in the name of or against the successor of such person. This would go to show that the society being a legal entity could sue or be sued in its own name through one of the persons as determined under Section 15 read with the relevant provisions of the rules and regulations governing the society. However, it is obligatory for the society either to file or defend a suit by or against the society through one of the authorised persons under Section 15 of the Act read with the relevant provisions of the rules and regulations of the society and none else. If a society sues or be sued through a person not empowered under Section 15 read with the relevant provisions of the rules and regulations of the society, such an action will not be competent”.

14. *The next of the decision is in the case of B.H. Inamdar. The said decision is also to the same effect.*

15. *Section 15 of the Karnataka Societies Registration Act provides that every society registered under the Act may sue or be sued in the name of the President, Chairman, or Principal Secretary or the trustee as shall be determined by the Rules and Regulations of the society. It clearly enables a registered society to determine by rules and regulations in whose name the society may sue or be sued. The Rules and Regulations may determine whether the society may sue or be sued in the name of the President, Chairman, Principal Secretary or Trustee. Where the Rules and Regulations do not so determines, it enables the Governing Council of the society/association to appoint a person for the said purpose. In the absence of any such resolution by the association enabling the Secretary to*



initiate proceeding, I am of the considered view that the present writ petition filed by the Secretary representing the association is not maintainable.”

(vi) In **Smt.Sunanda’s case supra**, this Court held as under:-

“9. The plaintiff contends that as per provisions of Section 15 of the Act, a person filing the suit on behalf of the Society should be duly authorized to do so. Admittedly, the plaintiff-Society instituted O.S. No. 155/2007 without such authorization and the plaint in the said case has been rejected on the said ground and in the course of the appeal, the plaintiff withdrew the same reserving liberty to file a fresh suit after complying with the said provision. Subsequently, O.S. No. 49/2010 has been filed. There is an averment made in the plaint to the effect that the Secretary is authorized to file a suit on behalf of the plaintiff — Society. But it is noticed that no authorization has been enclosed along with the plaint and in the evidence, PW1 has stated that he has not produced the same. However, as already stated above, while considering the application filed under Order VII Rule 11 of CPC, the plaint alone has to be considered and the evidence of PW1 cannot be considered. Thus, the question that arises for consideration is:

Whether plaintiff is required to produce the authorization certificate at the time of filing of the suit itself?



11. Thus, the plaintiff has to produce the documents that he sues upon or rely upon to file the suit. However, there is a difference between the documents which is mandatory for a person to file a suit and document which the plaintiff relies upon to prove a point in the suit. The documents which he relies upon to prove a point in the suit can be produced by the plaintiff with the permission of the Court subsequently. But when the document is mandatory to file the suit, it is incumbent on the plaintiff to produce the same along with the plaint. When the suit is initiated by a Society only a authorized person as contemplated under Section 15 of the Act can initiate the same. If a person is not authorized he cannot file a suit. Provisions of Section 15 of the Act has to be mandatorily complied with. The plaintiff in the instant case is required to produce the authorization under Section 15 of the Act at the time of presenting the plaint. In the instant case, he has not produced the same even after an application under Order VII Rule 11(a) & (d) read with Section 151 of CPC was filed by the petitioner — defendant No. 3. Further, plaint in O.S. No. 155/2007 was earlier rejected on the ground that authorization under Section 15 of the Act was not obtained. It is also noticed that respondent No. 1 — Plaintiff in its objections has not denied the averment that they do not have the necessary authorization as per Section 15 of the Act.

12. Thus, under the given facts and circumstances of the case, the pleadings in the plaint when read along with the documents adduced with the plaint does not establish the fact that the plaintiff — respondent No. 1 — Society has



complied with the provisions of Section 15 of the Act and that the person who has filed the suit on behalf of the Society has the necessary authorization. Thus, for the said reasons, the petition deserves to be allowed.”

(vii) In ***P.Nazeer’s case supra***, the Apex Court held as under:-

“13. Admittedly, the Mahal Committee which is appellant No. 1 in one of the two appeals on hand, was plaintiff No. 1 in O.S No. 9 of 2004. In the plaint in O.S No. 9 of 2004, there was not even a whisper about the corporate status of the Mahal Committee. In the written statement filed by Salafi Trust, they raised a specific contention that plaintiff No. 1 was not a legal entity and that it is an illegal association of certain individuals and that there was not even a pleading as to whether there were any bye-laws and as to how plaintiffs No. 2 and 3 became the President and Secretary respectively.

14. Unfortunately, the Waqf Tribunal, in paragraph 17 of its Judgment held that plaintiff No. 1 is a legal entity, entitled to sue and be sued. This was solely on the ground that plaintiff No. 1 (Mahal Committee) was one of the Sakha units affiliated to a registered society by name Kerala Naduvathil Mujahideen (‘KNM’ for short).

15. The aforesaid finding is completely contrary to law. A society registered under the Societies Registration Act is entitled to sue and be sued, only in terms of its bye-laws. The bye-laws may authorise the President or Secretary or



any other office bearer to institute or defend a suit for and on behalf of the society. Under section 6 of the Societies Registration Act, 1860, “every society registered under the Act may sue or be sued in the name of President, Chairman, or Principal Secretary, or trustees, as shall be determined by the rules and regulations of the society and, in default of such determination, in the name of such person as shall be appointed by the governing body for the occasion”. Even the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955, which is applicable to parts of Kerala carries a similar provision in section 9. Therefore, unless the plaintiff in a suit which claims to be a society, demonstrates that it is a registered entity and that the person who signed and verified the pleadings was authorised by the bye-laws to do so, the suit cannot be entertained. The fact that the plaintiff in a suit happens to be a local unit or a Sakha unit of a registered society is of no consequence, unless the bye-laws support the institution of such a suit.

16. *The Waqf Tribunal committed a gross illegality, first in not framing an issue about the status of the Mahal Committee and then in recording a finding as though the local unit of a registered society which is in enjoyment of affiliated status, was entitled to sue. Such an illegality committed by the Tribunal was liable to be corrected by the High Court under its revisional jurisdiction and hence the fulcrum of the argument of the learned senior counsel for the appellants, has to fall to the ground.”*



(viii) As stated earlier, the Byelaws of the plaintiffs - society do not empower, authorise, enable or entitle the Chairman, Secretary or Treasurer to institute the instant suit on behalf of the Society and there is no averment in this regard in the plaint; similarly the plaintiffs do not plead or aver existence of any Resolution of the Executive Committee of the plaintiffs- society which authorise or empower the said persons to institute the instant suit on behalf of the society and no such resolution is produced in compliance of the mandatory requirements of Section 15 of the KSR Act. Under these circumstances, in the light of the material on record and principles laid down in the aforesaid judgments, I am of the considered opinion that both the Courts fell in error in failing to appreciate that the suit filed by the plaintiffs was not maintainable; in this context, it is well settled that if a suit filed by the plaintiffs is *prima facie* found not to be maintainable, the question of granting any interim reliefs in favour of the plaintiffs will not arise as held by the Apex Court in the case of ***Asma Lateef's case supra***, which held as under:-

“50. Although not directly arising in the present case, we also wish to observe that the question of jurisdiction would assume importance even at the stage a court considers the



question of grant of interim relief. Where interim relief is claimed in a suit before a civil court and the party to be affected by grant of such relief, or any other party to the suit, raises a point of maintainability thereof or that it is barred by law and also contends on that basis that interim relief should not be granted, grant of relief in whatever form, if at all, ought to be preceded by formation and recording of at least a prima facie satisfaction that the suit is maintainable or that it is not barred by law. Such a satisfaction resting on appreciation of the averments in the plaint, the application for interim relief and the written objection thereto, as well as the relevant law that is cited in support of the objection, would be a part of the court's reasoning of a prima facie case having been set up for interim relief, that the balance of convenience is in favour of the grant and non-grant would cause irreparable harm and prejudice. It would be inappropriate for a court to abstain from recording its prima facie satisfaction on the question of maintainability, yet, proceed to grant protection pro tem on the assumption that the question of maintainability has to be decided as a preliminary issue under Order 14 Rule 2CPC. That could amount to an improper exercise of power. If the court is of the opinion at the stage of hearing the application for interim relief that the suit is barred by law or is otherwise not maintainable, it cannot dismiss it without framing a preliminary issue after the written statement is filed but can most certainly assign such opinion for refusing interim relief. However, if an extraordinary situation arises where it could take time to decide the point of maintainability of the suit



and non-grant of protection pro tem pending such decision could lead to irreversible consequences, the court may proceed to make an appropriate order in the manner indicated above justifying the course of action it adopts. In other words, such an order may be passed, if at all required, to avoid irreparable harm or injury or undue hardship to the party claiming the relief and/or to ensure that the proceedings are not rendered infructuous by reason of non-interference by the court.”

(ix) This Court in the case of ***R Ganeshan’s case supra*** held as under:-

“11.In that situation, the suit filed by the plaintiff was wholly defective and per se was not maintainable. The Trial court without considering the case from this stand point, was buoyed by the contention urged by the plaintiff that defendant No.1 had received a sum of Rs.66,50,000/- from the prospective purchasers and granted an order of injunction. The Trial court lost sight of the fact that an interim order is always granted as a step in aid to the final relief. If the suit itself was not maintainable, the Trial court could not have granted an order of injunction restraining the defendant No.1 from alienating, encumbering or transferring the suit schedule properties. In that view of the matter, the impugned order granted by the Trial court is bad and deserves to be interfered with.”



(x) Learned counsel for respondents 1 to 3 – plaintiffs contended that the suit had actually not been filed by the Malnad Technical Education Society described as “plaintiffs” but by only its Chairman, Secretary and Treasurer to whom the bar and requirements of Section 15 of the KSR Act would not apply; this contention cannot be accepted, since the same is belied by the plaint averments, in which, the plaintiffs specifically referred to as a Registered society under the name and style “Malnad Technical Education Society (R), Hassan” as hereunder:-

“ 2) The plaintiff is a Registered Society registered before The Registrar of Societies under the Karnataka Societies Registration Act 1960, in the esteemed name of ‘ THE MALNAD TECHNICAL EDUCATION SOCIETY(R) HASSAN. The main aim and object of the plaintiff Society is to establish and run the various Educational Institutions, Colleges, Schools, hostels etc., at Hassan The plaintiff society is having its own Bye-law for its convenient, accurate function and administration and other activities, accurate function and administration and other activities, and the same is produced for kind perusal.

3) The Rules and Regulations/Bye-law of the plaintiff Society has provided Three categories for members, namely 1) Life Members 2) Ordinary Members and 3) Associate Members. The prestige privilege, rights,



liabilities, functions etc., among three kinds of members have been clearly explained and distinguished in the Bye Law of the Society. Associate members are not entitled to participate in the elections process.

4) The plaintiff Society is administering and managing under the head of 'Executive Committee' comprising of 31 members. Among 31 members 24 members (director) shall be elected by the General Body of the plaintiff society. According to Bye Law, 14 members (directors) shall be elected by the category of Life Members and 10 members shall be elected from the category of Ordinary Members of the plaintiff society. The participation of the Life Members and Ordinary Members in the election process is quite different and distinct."

(xi) As stated supra, having specifically pleaded, averred and contended that the plaintiffs is the society, it is not open for the respondents to now contend that the society was not the plaintiffs which is clearly contrary to their own pleadings and contentions and as such, the said contention cannot be accepted.

10. In view of the aforesaid facts and circumstances, I am of the considered opinion that the claim of the plaintiffs in the instant suit is liable to be rejected on this ground and the impugned orders passed by the Trial court and Appellate court without considering this aspect of the matter deserve to be set aside.



11. A perusal of the material on record will indicate that in the election to the Executive committee of the plaintiffs – society conducted on 11.01.2025, defendants 1 to 13 were elected as Members of the Executive committee. According to the plaintiffs, defendants 11 to 13 were suspended from their Membership to the Executive committee on 06.09.2025 vide suspension orders of even date; on the other hand, defendants contend that the said suspension orders are illegal and non-est and cannot be made the basis to contend that defendants 11 to 13 were suspended from membership. In this context, a perusal of the suspension order dated 06.09.2025, will clearly indicate that except stating that some complaints were received from members of the Society (not Executive committee) against defendants 11 to 13, no other reasons or grounds assigned in the said suspension orders for the purpose of keeping them under suspension. Further, there is no specific provision in the Byelaws of the plaintiffs – society, which permit suspending the duly elected member of the Executive committee of the society; though Byelaw 7(I) (m) of the Byelaws permit removal of any member, if he acts detrimental to the interest and functioning of the society, the procedure mandated in this



regard is by the Executive committee removing such member with 3/4th majority of the Executive committee. In the instant case, it is an undisputed fact as borne out from the material on record that there was neither any meeting nor resolution of the Executive committee prior to 06.09.2025, under which, it was resolved or decided by 3/4th majority to suspend defendants 11 to 13 and in the absence thereof, I am of the view that the impugned suspension orders unilaterally issued by the Chairman and Secretary are clearly contrary to the Byelaws of the society and the same are *prima facie* illegal, invalid, inoperative, non-est and *void ab initio*, which do not have the effect of keeping defendants 11 to 13 under suspension and consequently, the said suspension orders could not have been made the basis by both the Courts to uphold the claim of the plaintiffs and reject the claim of defendants and the findings recorded in this regard deserve to be set aside.

12. As rightly contended by the learned counsel for petitioners, the suspension of defendants 11 to 13 as Members of the Executive Committee on 06.09.2025 is *prima facie* illegal and contrary to the procedure prescribed under the Byelaws governing plaintiffs – Society apart from the suspension order being passed



without any basis or material to justify the same and without conducting any enquiry / preliminary enquiry and in violation of principles of natural justice and as such, the alleged suspension order dated 06.09.2025 purporting to suspend defendants 11 to 13 from continuing to function as members of the Executive Committee of plaintiffs – Society is illegal, non-est, invalid, inoperative and *void ab initio* and no reliance could be placed on the suspension orders by the plaintiffs in support of their claim and the impugned orders passed by the Trial court and Appellate court deserve to be set aside on this ground also.

13. A perusal of the material on record will indicate that the aforesaid defendants 11 to 13 who were sought to be suspended vide orders dated 06.09.2025 filed a suit in O.S.No.994/2025 against the plaintiffs herein for declaration that the suspension order dated 06.09.2025 was illegal and for permanent injunction and other reliefs. In the said suit in O.S.No.994/2025, the said plaintiffs (defendants 11 to 13 in the present O.S.No.762/2025) filed two applications viz., I.A.No.2 restraining the defendants therein (plaintiffs in the present suit) from preventing them from continuing as members in the Society and I.A.No.3 restraining the



defendants from conducting meetings of the Society by excluding the plaintiffs and for other reliefs. The said suit and applications having been contested / opposed by the defendants therein (plaintiffs herein), the Trial court passed an order dated 06.02.2026 disposing of the applications as hereunder:-

“5. Having heard the parties and perused the records, the points that arise for consideration of this Court are:-

a. Whether the suit/interlocutory application is maintainable in view of pendency of suit O.S.No.762/2025 and interim order passed therein?

b. Whether the plaintiffs show that there exists a prima facie case in their favour?

c. Whether the plaintiffs show that the balance of convenience lies in their favour?

d. Whether the plaintiffs show that they would suffer irreparable loss and injury if injunction is not granted in their favour?

e. What order?

6. The findings of this court on the above points are:

Point No.1: In the Affirmative

Point No.2: In the Affirmative

Point No.3: In the Affirmative

Point No.4: In the Affirmative

Point No.5: As per the order and for the following-



REASONS

POINT NO.1:-

7. Learned counsel for the defendants vehemently argued before the Court that the defendants have already instituted a suit in O.S.No.762/2025, represented by its Chairman, Sri R.T.Dyavegowda, against the plaintiffs herein, namely B.R. Gurudev, G.T. Kumar, and S.G. Shridhara. In the said suit, an order of temporary injunction has been granted in favour of the defendants, which order has been subsequently confirmed by the Hon'ble Appellate court in M.A.No.25/2025. In support of the said contention, the defendants have relied upon the certified copy of the order dated 04.12.2025 passed in O.S.No.762/2025 by the Hon'ble VII Additional Civil Judge and JMFC, Hassan, along with the appeal memorandum, affidavit, interlocutory application, and the order dated 14.01.2026 passed by the Hon'ble Appellate court in M.A.Nos.25/2025 and 26/2025, confirming the order of the Trial Court.

8. Apart from the above, the defendants have also relied upon the order passed by the Hon'ble High Court of Karnataka in W.P. No.33107/2025; the order passed by the District Registrar, and the order dated 26.04.2014 passed by Chairman of Malnad Technical Education Society(R). The defendants have further produced several rent receipts dated 05.08.2025, 19.06.2025, 06.10.2025 (for the month of August 2025), and a letter dated 22.08.2025 issued by Malnad Technical Education Society in favour of G.R.Srinivas, with regard to letting out of the ground floor



and first floor to Hotel GRR. The defendants have also relied upon rent receipts dated 29.08.2025, 30.08.2025, 31.10.2025, 03.11.2025, 06.11.2025, and 30.11.2025.

9. *On the other hand, the plaintiffs have relied upon a copy of the order sheet uploaded in the CIS web portal of the Hon'ble High Court of Karnataka, wherein a direction was issued to the Hon'ble Appellate court to dispose of the appeals within a stipulated time frame. It is further submitted that W.P.No.33107/2025 was filed by Sri S.G.Shridhara, who is none other than plaintiff No.3 herein, representing Malnad Technical Education Society, seeking a writ of mandamus against the respondent/Banks restraining them from dealing with any financial transactions with the erstwhile office bearers of the society, who had already been removed by way of a no-confidence motion dated 08.09.2025. In the said writ petition, reserving liberty to the petitioner to approach the appropriate civil court for appropriate reliefs, the Hon'ble High Court disposed of the writ petition.*

10. *Learned counsel for the defendants contended that a suit is pending before a coordinate jurisdiction of this Court and that an order of temporary injunction has already been granted therein in favour of the defendants, and therefore this Court is precluded from passing any order contrary to the said injunction. This submission, at the outset, does not merit acceptance.*

(a). *Firstly, the present suit is a comprehensive and substantive suit seeking a declaration that the impugned suspension order dated 06.09.2025 is illegal, void, and not binding on the plaintiffs, along with consequential reliefs. The cause of action, relief sought, and the nature of adjudication required in the present suit are materially*



distinct from the relief granted in the earlier suit, which is only an order of temporary injunction operating inter se the parties therein.

(b). Secondly, an order of temporary injunction passed by a coordinate court is interlocutory in nature, does not decide the rights of the parties finally, and cannot operate as res-judicata or constructive res-judicata. Interim orders are always subject to variation, modification, or examination in a properly constituted substantive proceeding.

(c). Thirdly, the plaintiffs herein are specifically challenging the very foundation and legality of the suspension order, which issue is required to be adjudicated upon after examining the Byelaw, statutory provisions, and compliance with principles of natural justice. Merely because an interim injunction is granted in another proceeding, this Court is not divested of its jurisdiction to examine whether the impugned action is prima facie legal or arbitrary.

11. Further, the principle of judicial comity does not mean abdication of jurisdiction. It only requires that conflicting final adjudications be avoided. In the present case, the Court is not sitting in appeal over the order passed by the coordinate court, nor is it nullifying the same. This Court is independently examining whether the plaintiffs have made out a case for interim protection in a suit where the legality of the suspension order itself is directly in issue.

12. More importantly, if the contention of the defendants is accepted, it would amount to permitting an interim order passed in one proceeding to foreclose the statutory and civil remedies available to the plaintiffs in a comprehensive declaratory suit, which is impermissible in law. Therefore, the pendency of another suit and the grant of an interim injunction therein does not bar this Court from



*considering the present application on its own merits, nor does it operate as a legal impediment to grant appropriate interim relief if the ingredients under Order XXXIX Rules 1 and 2 of CPC are satisfied. Accordingly, the objection raised by the defendants on this ground is rejected. Therefore, the Point No.1 is answered in the **Affirmative**.*

POINT NO.2:

13. *The present lis centers around the applications under Order XXXIX Rule 1 and 2 of CPC. Hence, it is apposite to advert to the scope and object of the said provision. As postulated by the said provision, it is not required to go into the merits of the case while entertaining the applications but the Court has to examine as to whether (i) the applicants have a prima facie case to go for trial (ii) the protection is necessary from that species of injuries known as irreparable before their legal right can be established; and (iii) that the mischief of inconvenience likely to arise from withholding injunction will be greater than what is likely to arise from granting it.*

14. *It is settled principle of law that injunction or interim orders are issued not on grace or on default of any person. Interim orders are granted on the basis of the prima facie case made out in the pleadings and that in the interest of justice such interim order is necessary in order to prevent abuse of process of law to prevent wastage or to maintain the situation as on the date or from recurrence of certain incident which were existing as on the date of presenting such applications out of which the proceeding is arising.*



15. *Prima facie case means that it needs serious consideration, investigation or determination. It does not mean proof at this stage. It means bona fide dispute requiring determination without pre-judging the case. In order to find out whether there exist any prima facie case in favour of a party or not, it would be enough if it could be established that there was a seriously arguable question and it is not necessary that the point be proved to the hilt at that stage.*

16. *Learned counsel for the plaintiffs vehemently argued before the Court that the impugned suspension order dated 06.09.2025 has been passed by defendant No.1 without authority of law and in gross violation of the principles of natural justice. It is contended that no proper opportunity of hearing was afforded to the plaintiffs and that the suspension is arbitrary and unsustainable.*

17. *Per contra, the learned counsel for the defendants submitted that the plaintiffs are in arrears of rent payable to the society and have been deriving personal benefit from the society's property, which conduct is wholly unbecoming of Directors or members of the Executive Committee. It is further urged that, after following due process and conducting disciplinary proceedings, the society has passed the suspension order in accordance with law.*

18. *Plaintiffs in support of their contentions have relied upon the Rules and Regulations of the Association/Bye-law of the Malnad Technical Education Society; No confidence motion moved on 23.08.2025 by the*



plaintiffs and others against the defendants No.1 to 3; Notice dated 30.08.2025 calling for the Executive Committee meeting on 08.09.2025; Letter dated 01.09.2025 addressed to the Registrar of Co-operative Societies to appoint an observer by one B.R.Gurudev/Director; letter issued by the Registrar of Co-operative Societies dated 07.09.2025 intimating/appointment of Co-operative Development Officer as an observer of the meeting to be held on 08.09.2025; appointment letter dated 04.09.2025 issued to Jagadish; the endorsement of the District Registrar dated 17.09.2025; representations dated 30.08.2025 addressed by H.A.Ramesh, Anil Kumar, Uday Kumar and others to Secretary, Malnad Technical Education Society, Hassan alleging about the nonpayment of the rent by the plaintiffs No.1 to 3; show cause notice dated 30.08.2025 addressed to the plaintiffs; suspension orders dated 06.09.2025 against the plaintiffs No.1 to 3; Notice dated 04.12.2025 calling upon the members to attend the Executive Committee meeting on 11.12.2025 and the election declaration of results with respect to the Election held on 29.12.2024.

19. *In order to ascertain whether the plaintiffs have made out a prima facie case, it becomes necessary to examine and analyze the documents placed on record by both parties. The Rules and Regulations of the association, framed in the form of Bye-law of Malnad Technical Education Society, disclose the objects for which the society has been established, namely, to run Engineering Degree Colleges, Pre-University Colleges for Women, Harnahalli*



Ramaswamy Institute of Higher Education, and such other incidental educational purposes.

20. Rule 5 of the Bye-law deals with the classification of members as Life Members, Ordinary Members, and Associate Members. In the case on hand, there is no dispute with regard to the membership status of either the plaintiffs or the defendants. Hence, this Court deems it unnecessary to advert in detail to the provisions relating to membership.

(b). As per Rule 6 of the Bye-law, the Executive Committee is required to be constituted, consisting of 31 members, of whom 24 members are to be elected by the General Body, including 14 Life Members and 10 Ordinary Members. Sub-clause (5)(b) of Rule 6 provides that the Executive Committee shall elect from among its members the President, one or more Vice-Presidents, a Secretary, a Joint Secretary, and a Treasurer, and that the term of office of the office bearers shall be co-terminus with the term of the Executive Committee.

(c). Rule 7 enumerates the functions of the Executive Committee. One of its significant functions is to take necessary legal steps to safeguard the interests and properties of the Society and to remove any member, by a three-fourth majority, if such member acts in a manner detrimental to the interests and functioning of the Society. Part II of the same rule further declares that the Executive Committee shall be the supreme body, vested with control and supervision over the Institutions of the Society. There is no specific rule with regard to the suspension of the



members of the Executive Committee. However, speaks about the removal of such members with a three-fourth majority if the acts of such members are detrimental to the interest and functioning of the society.

21. A careful reading of Rule 7 reveals that the Bye-law is silent with respect to the procedure for moving a no-confidence motion or for suspending any member of the Society. In the absence of any specific provision in the Bye-law governing such actions, the provisions of the Karnataka Societies Registration Act would necessarily govern the field. Proceeding further, Rule 13 of the Bye-law pertains to the General Meeting of the Society, which is required to be convened at least once in every year, preferably in the month of October. It is also stipulated therein that all questions brought before the General Meeting of the Society, the Executive Committee, or the Governing Councils shall be decided by a majority of votes. In the absence of any specific provisions governing the said aspects, the principles of natural justice are to be followed.

22 . As regards the duties of the Secretary of the Executive Committee, Rule 14 mandates that the Secretary shall convene meetings, issue circulars, carry on correspondence under the direction of the Chairman, and take all actions in compliance with the decisions of the Executive Committee. In the absence of the Secretary, the Joint Secretary shall function as the Secretary and discharge such duties as may be assigned to him by the Executive Committee.



23. *In the backdrop of the aforesaid Rules, on careful analysis of the documents placed before the Court at this juncture, it is seen that the letter dated 23.08.2025 was addressed to the Chairman, Secretary, and defendant No.3, proposing a no-confidence motion against them and requesting that a meeting be convened within 15 days from the date of receipt of the said letter. Pursuant thereto, as per the notice dated 30.08.2025, a Meeting was convened by the Secretary/defendant No.2, to discuss the agenda mentioned in the notice as well as the representation submitted by the plaintiffs and others in relation to the proposed no-confidence motion against the Chairman, Secretary, and defendant No.3.*

24. *It is further seen that requisitions dated 30.08.2025 were submitted by H.A.Ramesh, Anil Kumar, and Uday Kumar, questioning the tenancy of the plaintiffs and alleging that they were acting in a manner unbecoming of members or Directors of the Society, and seeking their suspension or removal. These requisitions were received on the same day at 11:35 a.m., 11:40 a.m., and 11:45 a.m., and immediately thereafter, on the very same day, show-cause notices were issued to the plaintiffs. Subsequently, the impugned suspension order dated 06.09.2025 came to be passed.*

25. *From the records placed before the court, no such meeting has been held to declare three-fourth majority. As is evident from the records, no confidence motion has been moved against defendants No.1 to 3 prior to the alleged suspension order dated 06.09.2025. All the alleged*



proceedings which are stated to be related to the non-payment of the rent and arrears of rent are pertaining to the requisitions dated 30.08.2025.

26. Learned counsel for the plaintiffs contended that after moving the no-confidence motion against the defendants, a meeting of the Executive Committee was scheduled to be convened on 08.09.2025. Apprehending that the said meeting might not be conducted in a fair and transparent manner, a requisition dated 01.09.2025 was submitted to the Registrar of Co-operative Societies seeking appointment of an observer.

27. Pursuant thereto, an intimation dated 07.09.2025 was issued to the Executive Committee informing that Sri Jagadish, Cooperative Development Officer, had been appointed as an observer. Further, the order dated 04.09.2025 discloses that Sri.Jagadish, Cooperative Development Officer, was deputed as Honorary Secretary and Observer to oversee the meeting scheduled on 08.09.2025, with directions to observe the proceedings and record the same through videography.

28. The endorsement dated 17.09.2025, placed before the Court, refers to the suspension of the plaintiffs based on allegations made by three Directors. It is also noted therein that on 08.09.2025, the Secretary was asked to sign the attendance register. However, it is stated that no separate attendance register was maintained for the Members and that signatures were required to be obtained only in the proceedings of the meeting. It was further objected to obtaining the signatures of the plaintiffs on the



said date. The report of the District Register based on the statement given by the observer and videograph recorded therein would show that majority quorum was in favour of the plaintiffs as on the date of alleged Meeting.

29. A perusal of the impugned suspension order discloses that no period of suspension is specified therein. However, it restrains the plaintiffs from attending the Executive Committee meeting scheduled to be held on 08.09.2025, and the said suspension order has been passed solely by the Chairman of the Society. Though the learned counsel for the defendants contended that a disciplinary inquiry was conducted prior to passing of the suspension order, not a single document has been produced before the Court to substantiate the said contention. That apart, the alleged requisitions seeking suspension of the plaintiffs and the issuance of the show-cause notice have occurred on the same day, which, prima facie, casts serious doubt on the opportunity afforded to the plaintiffs to respond to the allegations.

30. It is the specific contention of the plaintiffs that the show cause notice was not served upon them personally, nor through registered post, nor through any other mode constituting due service, thereby violating the principles of natural justice. The defendants have failed to place any material on record to demonstrate due service of the show-cause notice upon the plaintiffs so as to negate this contention. Further, the absence of a specified period of suspension in the impugned order is likely to seriously prejudice the rights of the plaintiffs to participate in the



affairs and meetings of the Society. Though the Bye-law does not prescribe a specific procedure for suspension of members of the Executive Committee, they also do not confer any unilateral power upon the Chairman to suspend members without the approval or consent of the Executive Committee.

31. *At this stage, the defendants have not produced any contemporaneous material to establish that the principles of audi alteram partem were followed prior to passing the impugned suspension order. No doubt, the rent receipts produced by the defendants indicate that the plaintiffs are tenants of certain premises belonging to the Society. However, whether such tenancy has resulted in wrongful loss to the Society is a matter that requires evidence and adjudication during trial. This Court, at the interlocutory stage, cannot conduct a mini-trial on those aspects.*

32. *In the absence of any prima facie material to show that the alleged show-cause notice dated 30.08.2025 was duly served upon the plaintiffs and that a disciplinary inquiry was conducted in compliance with the principles of natural justice, this Court is of the considered opinion that the impugned suspension order dated 06.09.2025 deserves to be kept in abeyance. If not it would prejudice the plaintiffs.*

33. *The Bye-law of the Society unequivocally vests the supreme authority in the Executive Committee. When such is the position, any action affecting the civil rights of members of the Executive Committee, including*



suspension or removal, must necessarily emanate from a collective decision of the Executive Committee and not by the unilateral exercise of power by the Chairman. The impugned suspension order dated 06.09.2025 has admittedly been passed solely by the Chairman, and the defendants have failed to place on record any material to show that a disciplinary inquiry was initiated or conducted, a meeting of the Executive Committee was convened for the said purpose, or a resolution supported by the statutorily required three-fourths majority, as contemplated under the Bye-law, was passed.

34. *If the alleged acts of the plaintiffs were indeed detrimental to the interests or properties of the Society, the Byelaw prescribes a specific mechanism for removal, which mandates adherence to due procedure and proof of requisite majority. Prima facie, none of these requirements appear to have been satisfied. Further, the defendants have not produced any document to establish that the plaintiffs were served with a show-cause notice or afforded a reasonable opportunity of hearing prior to passing the impugned order. In the absence of such material, the action taken appears, at this stage, to be in violation of the principles of natural justice, particularly the rule of audi alteram partem.*

35 *At the interlocutory stage, this Court is not required to adjudicate upon the truth or otherwise of the allegations against the plaintiffs. The question is whether the plaintiffs have shown a triable issue and a probable case warranting protection of their rights pending trial. The*



*unilateral nature of the suspension order, the absence of proof of collective decision-making, and the apparent violation of natural justice together establish a clear prima facie illegality in the impugned action. Accordingly, this Court holds that the plaintiffs have made out a prima facie case necessitating interference at this stage. Accordingly, Point No.2 is answered in the **Affirmative**.*

POINT NO.3:

36. Insofar as the question of balance of convenience is concerned, this Court is required to weigh the comparative hardship likely to be caused to either party by granting or refusing the interim relief. The plaintiffs are admittedly elected members of the Executive Committee of the Society. By virtue of the impugned suspension order dated 06.09.2025, they have been restrained from participating in the meetings and affairs of the Society. If such restraint is allowed to continue pending trial, the plaintiffs would be deprived of their statutory and contractual right to participate in the management and decision-making process of the Society, which is a valuable civil right.

37. On the other hand, permitting the plaintiffs to continue as members of the Executive Committee during the pendency of the suit would not cause any irreversible prejudice to the defendants. The mere participation of the plaintiffs in meetings or deliberations does not, by itself, affect the final rights of the parties. If ultimately the defendants succeed in the suit, appropriate orders can always be passed in accordance with law.



38. *It is also pertinent to note that the suspension order has been passed unilaterally by the Chairman, without prima facie proof of collective approval or compliance with the procedure contemplated under the Bye-law. Allowing such an order to operate would virtually permit the defendants to achieve indirectly what they could not do directly, namely, to exclude elected Executive Committee members without due process.*

39. *Further, the Society, being an educational institution, requires collective governance and transparent functioning. Excluding the plaintiffs at this stage would not only prejudice their individual rights but may also affect the democratic functioning of the Society. On the contrary, permitting their participation ensures continuity, accountability, and institutional stability, without foreclosing the defendants' right to establish their case at trial.*

*Therefore, the inconvenience and hardship that would be caused to the plaintiffs by refusing interim protection far outweighs any inconvenience that may be caused to the defendants by granting such protection. Accordingly, this Court holds that the balance of convenience tilts in favour of the plaintiffs. Therefore, Point No.3 is answered in the **Affirmative**.*

POINT NO.4

40. *The plaintiffs are admittedly elected members of the Executive Committee of the Society, and their participation in the meetings and affairs of the Executive Committee is an incident of their elected status. Such right*



is not a mere personal privilege, but a representative right coupled with public and institutional responsibility.

41. *The impugned suspension order dated 06.09.2025, which is under challenge in the present suit, restrains the plaintiffs from attending Executive Committee meetings and participating in the administration of the Society. The said order does not disclose any time frame, nor is it supported, at this stage, by material to show that it was preceded by a duly conducted disciplinary enquiry or compliance with the principles of natural justice. If the injunction is refused, the plaintiffs would be continuously excluded from the functioning of the Executive Committee during the pendency of the suit. Such exclusion would result in loss of opportunity to participate in decision-making, deliberations, and governance, which cannot be restored even if the plaintiffs ultimately succeed in the suit. The loss of such representative participation is incapable of being compensated in terms of money.*

42. *It is also relevant to note that the plaintiffs had initiated a no-confidence motion prior to the passing of the suspension order. Non-grant of injunction would, in effect, allow the impugned suspension to operate so as to nullify the plaintiffs' participation in the democratic process of the Society, thereby causing a prejudice which is irreversible in nature. Further, decisions taken by the Executive Committee in the absence of the plaintiffs, if allowed to continue, would have long-term consequences, and such consequences cannot be undone merely by a subsequent declaration in favour of the plaintiffs. Hence, the injury*



suffered would not only be immediate but also continuing and irreparable.

43. *On the other hand, refusal of injunction would virtually amount to permitting the impugned suspension order to operate as a final order, even before the legality of the same is adjudicated in a full-fledged trial. Therefore, this Court is of the considered view that if an order of temporary injunction is not granted, the plaintiffs would suffer irreparable loss and injury, which cannot be adequately compensated or remedied at a later stage. Accordingly, Point No.4 is answered in the **Affirmative**.*

POINT NO.5:

44. *The Core Principles of Audi alteram partem are to hear the other side; fairness in action; no arbitrariness; reasoned decision – especially for punitive actions like suspension. Courts have consistently held that societies, though private bodies, must act fairly when exercising disciplinary or quasi-judicial powers. It directly affects the Membership rights; Voting rights and Reputation. Hence, strict application of audi alteram partem is mandatory before passing a suspension order. Show-cause notice must be issued; specific allegations/grounds must be stated; reasonable time must be given to reply; reply must be considered; reasoned order must be passed. In the instant case, when the enforceability of the impugned suspension order itself is in serious doubt, this Court is of the considered view that, pending trial, the plaintiffs cannot be restrained from participating or representing as members of the Executive Committee. Principles of natural justice*



automatically apply because a society discharges civil consequences on its members, and any action affecting status, rights, or reputation must be fair.

45. *The relief sought in the main suit is a declaration that the impugned suspension order dated 06.09.2025 is illegal, void and not binding on the plaintiffs. However, the interim application filed under Order XXXIX Rules 1 and 2 of CPC is limited in its scope, seeking only to restrain the defendants from interfering with the plaintiffs' right to participate, represent and discharge their functions as members of the Executive Committee during the pendency of the suit.*

46. *It is a settled position of law that grant of temporary injunction does not amount to granting the final relief, provided the interim protection is granted to preserve the subject matter of the suit and prevent frustration of the final adjudication. In the present case, the impugned suspension order is the very foundation of the dispute, and its operation directly affects the plaintiffs' right to participate in the affairs of the Society. If the said order is allowed to operate during the pendency of the suit, the plaintiffs would be effectively deprived of their elected status, rendering the relief of declaration, if ultimately granted, illusory and ineffective.*

47. *At this interlocutory stage, this Court is not adjudicating upon the legality or validity of the suspension order finally. The Court has only found, on prima facie examination, that the Bye-law does not confer exclusive or unilateral power upon the Chairman to suspend elected*



Executive Committee members, no material is placed to show that disciplinary proceedings were conducted, no contemporaneous record is produced to establish compliance with the principles of natural justice, and the order of suspension is indefinite in nature, thereby seriously affecting the civil rights of the plaintiffs. In such circumstances, the interim restraint against interference with the plaintiffs' participation necessarily implies that the operation of the impugned suspension order cannot be permitted to continue, as both are inseparably connected. However, this does not amount to declaring the suspension order illegal at this stage; it merely keeps the order in abeyance to ensure that the rights claimed in the suit are not defeated before trial.

48. *Further, the balance sought to be maintained by this Court is that the functioning of the Society and its meetings shall not be stalled, and at the same time, the defendants shall not, under the guise of the impugned suspension order, exclude the plaintiffs from participation. Thus, the interim order is protective and preservative in nature, intended only to maintain status quo ante with regard to the plaintiffs' participation, until the legality of the suspension order is tested in a full-fledged trial. Therefore, this Court is of the considered opinion that a temporary injunction restraining the defendants from interfering with the plaintiffs' right to participate and represent in the affairs and meetings of the Society can be granted, and for the limited purpose of such protection, the impugned suspension order dated 06-09-2025 is required to be kept in*



abeyance till disposal of the suit, without expressing any final opinion on its validity. Such an order neither grants the final relief nor causes prejudice to the defendants, as all issues are left open for adjudication during trial. Therefore, this Court finds it appropriate to exercise discretionary power under Section 151 CPC in protecting the rights of the plaintiffs.

49. Insofar as the meeting scheduled on 11.12.2025 pursuant to the notice dated 04.12.2025 is concerned, the same has become infructuous. However, it is necessary for the Society to conduct Executive Committee meetings for the effective administration and in the interest of the Society and its stakeholders. The plaintiffs' right to participate in future Executive Committee meetings deserves protection until disposal of the suit. This order is purely interlocutory in nature and the observations made herein are confined only for the purpose of deciding the present applications. In view of the aforesaid discussion and findings on Point Nos.1 to 4, I proceed to pass the following-

ORDER

The applications filed by the plaintiffs in IA No.2 and 3 under Order XXXIX Rules 1 and 2 read with Section 151 of CPC are disposed off.

Accordingly, the defendants, their men and office bearers are restrained by way of temporary injunction from interfering with plaintiffs' right to participate, represent, and to discharge the duties as Executive Committee



Members of the Society or from preventing or obstructing the plaintiffs from participating in the meetings of the Executive Committee, by keeping the impugned suspension order dated 06.09.2025, passed by defendant No.1 against the plaintiffs, in abeyance until disposal of the suit.

The relief sought with regard to restraining the defendants from conducting the Meeting scheduled on 11.12.2025 has become infructuous.

It is made clear that the Executive Committee meetings of the Society may be conducted in accordance with law and in the interest of the Society and its stakeholders. However, the plaintiffs shall not be excluded from participation in such meetings on the basis of the impugned suspension order.

No order as to costs."

14. As can be seen from the aforesaid order passed by the Trial court in O.S.No.994/2025 dated 06.02.2026, the suspension orders dated 06.02.2026 passed against defendants 11 to 13 herein has been kept in abeyance pending disposal of the suit; though the plaintiffs herein have filed an appeal in M.A.No.7/2026, the Appellate court has not passed any interim order in their favour and the matter stands posted to 23.06.2026. Under these



circumstances, having regard to the fact that the suspension orders dated 06.09.2025 have been kept in abeyance by the Trial court vide order dated 06.02.2026, it cannot be said that the defendants 11 to 13 stood suspended and were not entitled to participate or cast their votes in the no confidence motion moved in the meeting dated 08.09.2025 and /or 12.02.2026 and consequently, the said contention urged on behalf of the plaintiffs cannot be accepted.

15. The aforesaid facts and circumstances clearly establish that the suspension of defendants 11 to 13 on 06.09.2025, being illegal, invalid, inoperative, non-est and *void ab initio* in the eye of law coupled with the aforesaid order dated 06.02.2026 passed in O.S.No.994/2025 keeping the suspension orders in abeyance, the said defendants 11 to 13 were entitled to participate and vote in the no confidence motion conducted on 08.09.2026 and 12.02.2026; it follows therefrom that in the meeting conducted on 08.09.2026, defendants 1 to 13 had simple majority of 13 members, out of the total strength of 24 members; in the meeting conducted on 12.02.2026, defendants 1 to 13 had simple majority of 14 members; alternatively, even assuming defendants 11 to 13 are to be excluded on account of their alleged suspension, thereby



reducing the total strength to 21 (24-3), even then, defendants 1 to 10 and B.V.Srinivas (not a party), who also voted in favour of the motion of no confidence on 12.02.2026 would constitute 11 members, which would also be simple majority for the purpose of passing a motion of no confidence. It is therefore clear that even if defendants 11 to 13 are to be excluded from the total strength of 24 members of the Executive committee, 11 members i.e., defendants 1 to 10 and Sri.B.V.Srinivas, would constitute a simple majority being in excess of half (50%) of the said strength of 21 members for the purpose of motion of no confidence against the said Sri.R.T.Dyavegowda as Chairman, Sri.C.R.Jagadish as Secretary and Sri.Parshwanath as Treasurer.

16. A perusal of the material on record will indicate that defendants 1 to 13 called for a meeting of the Executive committee of the society to be conducted for the purpose of considering the no confidence motion moved against the Chairman, Secretary and Treasurer of the society; in pursuance of the same, a meeting was called for on 08.09.2025, prior to which itself, defendants 11 to 13 were sought to be suspended and the alleged suspension orders dated 06.09.2025 have already been held by me to be illegal and



invalid in the eye of law; it follows therefrom that all 24 members of the Executive committee including defendants 11 to 13 (alleged suspended members) were entitled to participate in the meeting conducted on 08.09.2025. It is also a matter of record and an undisputed fact that on 01.09.2025, defendants 1 to 13 addressed a communication / letter to defendant No.14- Registrar of Co-operative Society requesting him to appoint an Observer for the purpose of being present in the meeting of the society on 08.09.2025; in pursuance of the said letter, the Registrar appointed the 15th defendant – JRCS as an observer, who recorded the proceedings of the Executive committee that were conducted on 08.09.2025 and submitted a report dated 17.09.2025 categorically stating that 13 members were in favour of no confidence motion and 11 members were against the motion and since 13 members constituted simple majority of more than half (50%) of the total strength of 24 members, the motion of no confidence was successful and resulting in removal of Sri.R.T.Dyavegowda as Chairman, Sri.C.R.Jagadish as Secretary and Sri.Parshwanath as Treasurer, in pursuance of which, defendants 1, 2 and 12 were



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elected as Chairman, Treasurer and Secretary respectively. The said report of the 15th defendant dated 17.09.2025 is as under:

ಸಂಖ್ಯೆ: ಡಿಆರ್‌ಹೆಚ್/ಎಸ್-14ಎ/ಸಂಘ-ಸಂಸ್ಥೆ/ಸಭೆ/2025-26 ದಿನಾಂಕ: 17.09.2025.

ಹಿಂಬರಹ

ವಿಷಯ: ಮಲೆನಾಡು ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ ಸಮಿತಿ(ರಿ) ಹಾಸನ ಇದರ ದಿನಾಂಕ:

08.09.2025 ರ ಕಾರ್ಯಕಾರಿ ಸಮಿತಿ ಸಭೆ ವೀಕ್ಷಣಾಧಿಕಾರಿಯಾಗಿ ನೇಮಕ ಮಾಡಿದ್ದು ಅದರಂತೆ ಮಾಹಿತಿ ಸಲ್ಲಿಸುತ್ತಿರುವ ಬಗ್ಗೆ.

ಉಲ್ಲೇಖ: 1. ಮಾನ್ಯ ಸಹಕಾರ ಸಂಘಗಳ ನಿಬಂಧಕರು, ಕರ್ನಾಟಕ ರಾಜ್ಯ, ಬೆಂಗಳೂರು ಇವರ ಪತ್ರ ಸಂಖ್ಯೆ: ಆರ್.ಸಿ.ಎಸ್/ಜಂಟಿ/ಐಸಿಟಿಪಿ/ಸಂಸಂ-01/57/2025-26 ದಿನಾಂಕ: 01.09.2025.

2. ಈ ಕಛೇರಿ ಪತ್ರ ಸಂಖ್ಯೆ: ಡಿಆರ್‌ಹೆಚ್/ಎಸ್-14ಎ/ಸಂಘ ಸಂಸ್ಥೆ/ಸಭೆ/2025-26 ದಿನಾಂಕ: 04.09.2025.

3. ಶ್ರೀ ಜಗದೀಶ ಎಂ. ಸಹಕಾರ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಸಹಕಾರ ಸಂಘಗಳ ಉಪ ನಿಬಂಧಕರ ಕಛೇರಿ, ಹಾಸನ ಜಿಲ್ಲೆ, ಹಾಸನ ಇವರ ವೀಕ್ಷಣಾ ವರದಿ ಪತ್ರ ಸಂಖ್ಯೆ: ಸಅ/ಸಸುನಿಕ/ಮ.ತಾಂ.ಶಿ.ಸ/ಸಭೆ/ಸಿಆರ್-1/2025-26 ದಿನಾಂಕ: 10.09.2025.

4. ಶ್ರೀ.ಬಿ.ಆರ್. ಗುರುದೇವ್ ಮತ್ತು ಇತರರು (ಹದಿಮೂರು ನಿರ್ದೇಶಕರು), ಮಲೆನಾಡು ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ ಸಮಿತಿ(ರಿ), ಹಾಸನ ಇವರುಗಳು ಸಲ್ಲಿಸಿರುವ ಮನವಿ ದಿನಾಂಕ: 08.09.2025.

5. ಶ್ರೀ. ಬಿ.ಆರ್. ಗುರುದೇವ್ ಮತ್ತು ಇತರ ನಿರ್ದೇಶಕರು, ಮಲೆನಾಡು ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ ಸಮಿತಿ (ತಿ), ಹಾಸನ ಇವರುಗಳು ಸಲ್ಲಿಸಿರುವ ಮನವಿ ದಿನಾಂಕ: 09.09.2025.

6. ಶ್ರೀ. ಆರ್. ಟಿ. ದ್ಯಾವೇಗೌಡ, ಅಧ್ಯಕ್ಷರು, ಮಲೆನಾಡು ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ ಸಮಿತಿ (ರಿ), ಹಾಸನ ಇವರ ಮನವಿ ದಿನಾಂಕ: 12.09.2025.

7. ಶ್ರೀ. ಬಿ.ಆರ್. ಗುರುದೇವ್ ಮತ್ತು ಇತರ ನಿರ್ದೇಶಕರು, ಮಲೆನಾಡು ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ ಸಮಿತಿ(ರಿ), ಹಾಸನ ಇವರುಗಳು ಸಲ್ಲಿಸಿರುವ ಮನವಿ ದಿನಾಂಕ: 16.09.2025.



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ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ತಮ್ಮ ಉಲ್ಲೇಖ (1) ರ ಪತ್ರದಲ್ಲಿ ಶ್ರೀ. ಬಿ.ಆರ್. ಗುರುದೇವ ಮತ್ತು ಇತರ ನಿರ್ದೇಶಕರುಗಳು, ಮಲೆನಾಡು ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ ಸಮಿತಿ(ರಿ), ಹಾಸನ ಇವರುಗಳ ಮನವಿಯಂತೆ ದಿನಾಂಕ: 08.09.2025 ರಂದು ನಡೆಸುವುದಾಗಿ ತಿಳಿಸಿರುವ ಆಡಳಿತ ಮಂಡಳಿಯಲ್ಲಿ ವಿಶ್ವಾಸಮತ ಯಾಚನೆ ಕಾರ್ಯದ ಪ್ರಕ್ರಿಯೆಗೆ ಕರ್ನಾಟಕ ಸಹಕಾರ ಸಂಘಗಳ ನೋಂದಣಿ ಕಾಯ್ದೆ 1960 ರನ್ವಯ ಹಾಗೂ ಮಲ್ಟಾಡ್ ಟೆಕ್ನಿಕಲ್ ಎಜುಕೇಶನ್ ಸೊಸೈಟಿಯ ಉಪ ನಿಯಮದ ರೀತ್ಯಾ ಶ್ರೀ. ಜಗದೀಶ್, ಸಹಕಾರ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರ ಆದ ನಿಮ್ಮನ್ನು ವೀಕ್ಷಣಾಧಿಕಾರಿಯಾಗಿ ನೇಮಿಸುವುದರ ಕುರಿತು ಅಗತ್ಯ ಕ್ರಮವಿಡಲು ಸೂಚಿಸಲಾಗಿರುತ್ತದೆ.

ಆದರಂತೆ, ಉಲ್ಲೇಖ (2) ರ ಈ ಕಛೇರಿ ಪತ್ರದಲ್ಲಿ ಮಲೆನಾಡು ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ (ರಿ) ಹಾಸನ ಈ ಸಮಿತಿಯವರು ದಿನಾಂಕ: 08.09.2025 ರಂದು ನಡೆಸುವ ಆಡಳಿತ ಮಂಡಳಿಯಲ್ಲಿ ವಿಶ್ವಾಸಮತ ಯಾಚನೆ ಕಾರ್ಯದ ಪ್ರಕ್ರಿಯೆಯಲ್ಲಿ ಕರ್ನಾಟಕ ಸಹಕಾರ ಸಂಘಗಳ ನೋಂದಣಿ ಕಾಯ್ದೆ 1960 ರನ್ವಯ ಹಾಗೂ ಮಲ್ಟಾಡ್ ಟೆಕ್ನಿಕಲ್ ಎಜುಕೇಶನ್ ಸೊಸೈಟಿಯ ಉಪ ನಿಯಮದ ರೀತ್ಯಾ ವೀಕ್ಷಣಾಧಿಕಾರಿಯಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಿ ಮಾನ್ಯ ಸಹಕಾರ ಸಂಘಗಳ ನಿಬಂಧಕರ ಕಛೇರಿ ಹಾಗೂ ಈ ಕಛೇರಿಗೆ ಮಾಹಿತಿ ಒದಗಿಸಲು ಈ ಕಛೇರಿಯ ಶ್ರೀ. ಜಗದೀಶ ಎಂ. ಸಹಕಾರ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ ಇವರಿಗೆ ಸೂಚಿಸಲಾಗಿರುತ್ತದೆ. ಉಲ್ಲೇಖ (2) ರ ಸೂಚನೆಯ ಮೇರೆಗೆ ಶ್ರೀ. ಜಗದೀಶ್, ಸಹಕಾರ ಅಭಿವೃದ್ಧಿ, ಅಧಿಕಾರ ರವರು ವೀಕ್ಷಣಾಧಿಕಾರಿಯಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಿ ಉಲ್ಲೇಖ (3) ರ ರೀತ್ಯಾ ವರದಿ ಈ ಕಛೇರಿಗೆ ವರದಿ ಹಾಗೂ ದಾಖಲಾತಿಗಳನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ಸದರಿ ವರದಿಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ, ದಿನಾಂಕ: 08.09.2025 ರಂದು ನಡೆದ ಮಲೆನಾಡು ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ ಸಮಿತಿ (ರಿ), ಕಾರ್ಯಕಾರಿ ಸಮಿತಿ ಸಭೆಯಲ್ಲಿ ಅವಿಶ್ವಾಸ ಮಂಡನೆಗೆ ನೀಡಿದ್ದ ಪತ್ರ ಕಾನೂನಿಗೆ ಮತ್ತು ಕರ್ನಾಟಕ ರಿಜಿಸ್ಟ್ರೇಶನ್ ಆಕ್ಟ್ ಮತ್ತು ಬೈಲಾದಲ್ಲಿ ವಿರುದ್ಧವಾಗಿರುತ್ತದೆಂದು ದಿನಾಂಕ: 23.08.2025 ರಂದು 12 ನಿರ್ದೇಶಕರು ಸಹಿ ಮಾಡಿ ನೀಡಿದ್ದ ಪತ್ರವನ್ನು ಬಹುಮತದಿಂದ ತಿರಸ್ಕರಿಸಲಾಗಿದೆ ಎಂದು 11 ಜನ ಮತ್ತು 10 ನಿರ್ದೇಶಕರು ಮತ್ತು ಅಮಾನತ್ತುಗೊಂಡಿರುವಂತೆ ತಿಳಿಸಿರುವ 03 ನಿರ್ದೇಶಕರುಗಳು ಪ್ರಸ್ತುತ ಅಧ್ಯಕ್ಷರು, ಕಾರ್ಯದರ್ಶಿ ಮತ್ತು ಖಜಾಂಚಿ ವಿರುದ್ಧ ಅವಿಶ್ವಾಸ ಮಂಡನೆ ಮಾಡಿ ಆ ಸ್ಥಾನಗಳಿಗೆ ನೂತನವಾಗಿ ಅಧ್ಯಕ್ಷ, ಕಾರ್ಯದರ್ಶಿ, ಮತ್ತು ಖಜಾಂಚಿಗಳನ್ನು ಆಯ್ಕೆ ಮಾಡಿಕೊಂಡಿರುವ ಮತ್ತೊಂದು ನಡವಳಿಕೆಗಳನ್ನು ಮಾಡಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ.

ದಿನಾಂಕ: 16.01.2007 ರ ಸಂಸ್ಥೆಯ ತಿದ್ದುಪಡಿ ಬೈಲಾ ಸಂಖ್ಯೆ: (7) (1) ರೀತ್ಯಾ To admit a member with 3/4th majority ಮತ್ತು (m) ರೀತ್ಯಾ To remove any member with 3/4th majority if such member acts detrimental to the interest and functioning of the Society ಎಂಬುದಾಗಿ ಇರುತ್ತದೆ. ಆದರೆ, ಸಂಘಗಳ ನೋಂದಣಿ ಕಾಯ್ದೆ 1960 ಹಾಗೂ ಸಂಸ್ಥೆಯ ಉಪ ನಿಯಮಗಳಲ್ಲಿ ಅವಕಾಶಗಳಿಲ್ಲದ್ದಾಗ್ಯೂ, ಕಾರ್ಯಕಾರಿ ಸಮಿತಿ ಸಭೆಯಲ್ಲಿ ನಡವಳಿಕೆ ದಾಖಲಿಸದೇ ಕಾರ್ಯಕಾರಿ ಸಮಿತಿಯ 03



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ನಿರ್ದೇಶಕರುಗಳನ್ನು ಅಧ್ಯಕ್ಷರು ಸಂಸ್ಥೆಯ ಸದಸ್ಯರ ದೂರಿನ ಮೇರೆಗೆ ಅಮಾನತ್ತು ಮಾಡಿರುವುದು ಕಂಡುಬರುತ್ತದೆ.

ಕಾರ್ಯದರ್ಶಿಗಳು ದಿನಾಂಕ: 08.09.2025 ರ ನಡವಳಿಕೆ ಪುಸ್ತಕದಲ್ಲಿ ಸಹಿ ಮಾಡಿರುವಂತೆ ಕೋರಿರುತ್ತಾರೆ. ಎಲ್ಲಾ ನಿರ್ದೇಶಕರು ಹಾಜರಾತಿ ಪುಸ್ತಕ ನೀಡಿದ್ದಲ್ಲಿ ಎಲ್ಲರೂ ಸಹಿ ಮಾಡುತ್ತೇವೆಂದು ತಿಳಿಸಿರುತ್ತಾರೆ. ಇದಕ್ಕೆ ಹಾಜರಾತಿ ಪುಸ್ತಕ ಪ್ರತ್ಯೇಕವಿರುವುದಿಲ್ಲ ನಡವಳಿಕೆ ಪುಸ್ತಕದಲ್ಲಿ ಹಾಜರಿ ದಾಖಲಿಸಲು ಕೋರಿ ಮತ್ತು ಅಮಾನತ್ತು ಸದಸ್ಯರು ಸಹಿ ಮಾಡಬಾರದು ಎಂದು ಕಾರ್ಯದರ್ಶಿ ತಿಳಿಸಿರುತ್ತಾರೆ. ಇದಕ್ಕೆ 10 ಜನ ನಿರ್ದೇಶಕರು ಮತ್ತು ಅಮಾನತ್ತು 3 ನಿರ್ದೇಶಕರು ಆಕ್ಷೇಪ ವ್ಯಕ್ತಪಡಿಸಿರುತ್ತಾರೆ. ಆದರೆ 10 ಜನ ನಿರ್ದೇಶಕರು ಮತ್ತು ಅಮಾನತ್ತುಗೊಳಿಸಿದ್ದ 3 ನಿರ್ದೇಶಕರುಗಳು ಸಹಿಯನ್ನು ನಡವಳಿಕೆ ಪುಸ್ತಕದ ಹಾಜರಾತಿಯಲ್ಲಿ ಸಹಿ ಮಾಡಿರುವುದಿಲ್ಲ ನಡವಳಿಕೆ ಪುಸ್ತಕದಲ್ಲಿ 24 ಸದಸ್ಯರ ಹೆಸರುಗಳನ್ನು ಬರೆದಿದ್ದು ಇದರಲ್ಲಿ 11 ಕಾರ್ಯಕಾರಿ ಸಮಿತಿ ನಿರ್ದೇಶಕರು ಅವರುಗಳ ಹೆಸರಿನ ಮುಂದೆ ಸಹಿ ಮಾಡಿರುವುದು. ಅಧ್ಯಕ್ಷರು ಮಾತನಾಡಿ ಅವಿಶ್ವಾಸಕ್ಕೆ ಅರ್ಜಿ ನೀಡಿರುವುದು ಕರ್ನಾಟಕ ಸೊಸೈಟಿಯ ರಿಜಿಸ್ಟ್ರೇಶನ್ ಆಕ್ಟ್ ಮತ್ತು ಬೈಲಾದಲ್ಲಿ ಅವಕಾಶವಿಲ್ಲದೆ ಇರುವುದರಿಂದ ಅವರ ಪತ್ರದಲ್ಲಿ ಒಪ್ಪಿಕೊಂಡಿರುವುದರಿಂದಲೂ ಅವರು ನಮೂದಿಸಿರುವ ನ್ಯಾಯಾಲಯದ ತೀರ್ಪು ಈ ವಿಷಯಕ್ಕೆ ಅನ್ವಯವಾಗುವುದಿಲ್ಲ ಎಂದು ತಿಳಿಸಿ ಕೊಟ್ಟಿರುವ ಪತ್ರ ಕಾನೂನಿಗೆ ಮತ್ತು ಕರ್ನಾಟಕ ರಿಜಿಸ್ಟ್ರೇಶನ್ ಆಕ್ಟ್ ಮತ್ತು ಬೈಲಾದಲ್ಲಿ ವಿರುದ್ಧವಾಗಿರುವುದರಿಂದ ಸಭೆಯಲ್ಲಿ ಅವರು ಸಲ್ಲಿಸಿರುವ ದಿನಾಂಕ: 23.08.2025 ರ ಪತ್ರವನ್ನು ಸಭೆಯಲ್ಲಿ ಹಾಜರಿದ್ದು ಸಹಿ ಮಾಡಿರುವವರ ಅಭಿಪ್ರಾಯದಮತೆ ತಿರಸ್ಕರಿಸಲಾಗಿದೆ ಎಂದು ತಿಳಿಸಿರುತ್ತಾರೆ. ಇದಕ್ಕೆ 10 ಜನ ನಿರ್ದೇಶಕರು ಮತ್ತು ಅಮಾನತ್ತುಗೊಳಿಸಿದ್ದ 3 ನಿರ್ದೇಶಕರುಗಳು ಆಕ್ಷೇಪಿಸಿ ಸಲ್ಲಿಸಿರುವ ಅರ್ಜಿ ಕಾನೂನು ರೀತ್ಯಾ ಇದ್ದು ಅರ್ಜಿಯಲ್ಲಿ ವಿವರಿಸಿರುವಂತೆ ಅವಿಶ್ವಾಸ ಮಂಡನೆಗೆ ಮಂಡಿಸಬೇಕೆಂದು ನಿರ್ದೇಶಕರಾದ ಶ್ರೀ. ಅಶೋಕ ಹಾರನಹಳ್ಳಿಯವರು ವಾದಿಸಿದ್ದು ಅಧ್ಯಕ್ಷರ ತೀರ್ಮಾನಕ್ಕೆ ವಿರೋಧ ವ್ಯಕ್ತಪಡಿಸಿರುತ್ತಾರೆ.

ಹಾಗೂ ಸದರಿ ಸಭೆಯಲ್ಲಿ ನಡವಳಿಕೆ ಪುಸ್ತಕವನ್ನು ನೀಡದೇ ಇರುವುದರಿಂದ ದಿನಾಂಕ: 08.09.2025 ರಂದು ಸದರಿ ಸಭೆಯಲ್ಲಿಯೇ ಪ್ರತ್ಯೇಕವಾಗಿ ಸಭಾ ನಡವಳಿಕೆ ನಡೆಸಿ ಬೇರೆ ಪುಸ್ತಕದಲ್ಲಿ ನಡವಳಿಕೆ ದಾಖಲಿಸಿ 10 ನಿರ್ದೇಶಕರು ಮತ್ತು ಅಮಾನತ್ತುಗೊಂಡಿರುವಂತೆ ತಿಳಿಸಿರುವ 03 ನಿರ್ದೇಶಕರುಗಳು ಸಹಿ ಮಾಡಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ. ಸಂಸ್ಥೆಯ ಒಟ್ಟು 24 ನಿರ್ದೇಶಕರುಗಳು ದಿನಾಂಕ: 08.09.2025 ರ ಸಭೆಯಲ್ಲಿ ಭಾಗವಹಿಸಿದ್ದು, ಸದರಿ ಸದಸ್ಯರ ಭಾಗವಹಿಸಬೇಕೆ ಅಥವಾ ಬೇಡವೇ ಎಂಬ ಬಗ್ಗೆ ಸ್ಪಷ್ಟ ಪ್ರಾಧಿಕಾರದ ಆದೇಶ ಇಲ್ಲದೇ ಇರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ. ಕಾರ್ಯಕಾರಿ ಮಂಡಳಿಯ ಮೂರು ಜನ ಸದಸ್ಯರ ಅಮಾನತ್ತನ್ನು 13 ಜನ ಸದಸ್ಯರು ಸರ್ವಾನುಮತದಿಂದ ತಿರಸ್ಕರಿಸುತ್ತಾರೆಂದು ನಡವಳಿಕೆ ದಾಖಲಿಸಿ ಹಾಜರಿದ್ದ 10 ಜನ ನಿರ್ದೇಶಕರು ಮತ್ತು ಅಮಾನತ್ತುಗೊಳಿಸಿರುವುದಾಗಿ ತಿಳಿಸಿದ 03 ನಿರ್ದೇಶಕರುಗಳು ಸಹಿ ಮಾಡಿರುತ್ತಾರೆ. ಉಳಿದ ಕಾರ್ಯಕಾರಿ ಸಮಿತಿಯ 11 ನಿರ್ದೇಶಕರು ಈ ನಡವಳಿಕೆಯಲ್ಲಿ ಸಹಿ ಮಾಡಿರುವುದಿಲ್ಲ. ಇವರು ಕಾರ್ಯದರ್ಶಿಗಳಾದ ಶ್ರೀ. ಸಿ. ಆರ್. ಜಗದೀಶ್, ಅಧ್ಯಕ್ಷರಾದ ಶ್ರೀ. ಆರ್.



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ಟಿ. ದ್ಯಾವೇಗೌಡ ಮತ್ತು ವಿಜಾಂಜಿ ಪಾರ್ಶ್ವನಾಥರವರು ವಿಶ್ವಾಸಮತ ಪಡೆಯುವುದರಲ್ಲಿ ವಿಫಲರಾಗಿರುವುದರಿಂದ ಅವರುಗಳು ತಮ್ಮ ಹುದ್ದೆಗಳಲ್ಲಿ ಮುಂದುವರೆಯುವಂತಿಲ್ಲ ಹಾಗೂ ಅವರು ಮಾಡಿದ ಯಾವುದೇ ಆದೇಶಗಳನ್ನು ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ಮುಖ್ಯಸ್ಥರು ಮಾನ್ಯ ಮಾಡುವಂತಿಲ್ಲ ಹಾಗೇ ಮಾಡದೇಹೋದಲ್ಲಿ ಸಂಬಂಧಪಟ್ಟವರು ವೈಯಕ್ತಿಕ ಹೊಣೆಯಾಗಬೇಕಾಗುತ್ತದೆ.

ನಂತರ 13 ಜನರು ಉಪಾಧ್ಯಕ್ಷರಾದ ಗುರಪ್ಪನವರ ನೇತೃತ್ವದಲ್ಲಿ ನೂತನ ಆಡಳಿತ ಮಂಡಳಿಯ ಆಯ್ಕೆ ಎಂದು ನೂತನ ಅಧ್ಯಕ್ಷರಾಗಿ ಶ್ರೀ. ಗುರುದೇವರವರನ್ನು, ಕಾರ್ಯದರ್ಶಿಯಾಗಿ ಶ್ರೀ. ಜಿ.ಟಿ. ಕುಮಾರ್, ಶ್ರೀ. ಶ್ರೀಧರ್ .ಎಸ್.ಜಿ ರವರನ್ನು ವಿಜಾಂಜಿಯಾಗಿ ಆಯ್ಕೆ ಮಾಡಿಕೊಂಡು ನಡವಳಿಕೆ ದಾಖಲು ಮಾಡಿರುತ್ತಾರೆ. ವಿಡಿಯೋ ರೆಕಾರ್ಡ್ ಮಾಡಲಾಗಿತ್ತದೆ.

ಶ್ರೀ. ಜಗದೀಶ. ಎಂ. ಸಹಕಾರ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಸಹಕಾರ ಸಂಘಗಳ ಉಪನಿಬಂಧಕರ ಕಚೇರಿ, ಹಾಸನ ಜಿಲ್ಲೆ, ಹಾಸನ ಇವರ ಉಲ್ಲೇಖ (3) ರ ವರದಿ ಮತ್ತು ಉಲ್ಲೇಖ(4) ರಿಂದ (7) ರ ವರೆಗಿನ ಮನವಿ ಪತ್ರಗಳು ಹಾಗೂ ದಿನಾಂಕ: 08.09.2025 ರ ಉಭಯಪತ್ರದ ಸಭಾ ನಡವಳಿಕೆಗಳನ್ನು ಪರಿಶೀಲಿಸಿದ್ದು, ಸಂಸ್ಥೆಯ ದೈನಂದಿನ ಕಾರ್ಯನಿರ್ವಹಣೆ ಮತ್ತು ಶೈಕ್ಷಣಿಕ ಹಿತದೃಷ್ಟಿಯಿಂದ ಬೈಲಾ ಸಂಖ್ಯೆ: 9(ಎ) ರೀತ್ಯಾ ಬಹುಮತ ಹೊಂದಿದ 13 ನಿರ್ದೇಶಕರುಗಳು ಸಂಸ್ಥೆಯ ಕಾರ್ಯನಿರ್ವಹಣೆ ಮಾಡಬಹುದಾಗಿರುತ್ತದೆ ಎಂಬುದಾಗಿ ಅಭಿಪ್ರಾಯಿಸಿ ಹಿಂಬರಹ ನೀಡಿದೆ.

ಸಹಕಾರ ಸಂಘಗಳ ಉಪ ನಿಬಂಧಕರು ಹಾಗೂ
ಜಿಲ್ಲಾ ಸಂಘಗಳ ನೋಂದಣಾಧಿಕಾರಿಗಳು
ಹಾಸನ ಜಿಲ್ಲೆ, ಹಾಸನ.

17. The plaintiffs challenged the said report before this Court in W.P.No.28649/2025 which was disposed of vide final order dated 23.09.2025 without interfering with the said report of the 15th defendant and directing the Trial court to decide all aspects and making the said report subject to the decision of the Trial court by holding as under:-

“ The petitioners are the Chairman, the Secretary and the Treasurer of Malnad Technical Education Society – ‘the



society', and the controversy is with the private respondents asserting that the petitioners cannot continue in office because the No Confidence Motion is successfully carried against them in the Meeting on 08.09.2025 overseen by the Observer appointed by the Registrar of the society. The petitioners have called in question the Endorsement dated 17.09.2025 [Annexure - A] issued by the third respondent based on the Tahsildar's Report. The third respondent has opined that the others who have continued [i.e., those other than the petitioners] must oversee the day-to-day affairs of the different educational institutions run under the aegis of the Society.

2. *Significantly, these very petitioners, on behalf of the Society, have instituted a suit in O.S.No.762/2025 for declaration such as that they have been duly elected to the respective offices and that the Meeting on 08.09.2025 is illegal. The petitioners have also sought a permanent injunction from interfering with the administration of the Society. It is undisputed that these petitioners have filed an interim application for orders of the civil Court restraining the private respondents from overseeing the affairs of the society and that these applications are pending consideration.*

3. *Mr. Ravi M M, the learned counsel for the petitioners, Mr. Jayakumar S. Patil, the learned Senior counsel who appears for Mr. R. Hemanth Raj [the learned counsel on record for the fourth respondent, who also accepts notice for the fifth to the seventh respondents], and Mr. R. Subramanya, the learned counsel for the eighth*



respondent, are heard for final disposal of the petition dispensing with notice to the other respondents who, it is stated, support the petitioners.

4. *When queried on the efficacy of the third respondent's observations in the impugned Endorsement, there is unanimity between the learned Senior counsel and the other learned counsels that should be subject to the decision of the civil Court in the pending suit in O.S.No.762/2025 and that indeed must be so given the framework under the Karnataka Societies Registration Act, 1960. Further, the factual questions on how the meeting went forward and whether a No-Confidence Motion could even be moved are all aspects that are already pending before the civil Court.*

5. *The civil Court must decide on the same finally, as also in deciding the applications pending at the interim stage based on the affidavits that are filed. Any interference at this stage would cause multiplicity of proceedings on the same question. As such, this Court is not inclined to interfere, and this Court opines that the petition must stand disposed of observing that all aspects must be decided by the civil Court and the third respondent's Endorsement will be subject to such decision.*

The petition stands disposed of accordingly."

18. A perusal of the material on record will indicate that the plaintiffs contend that no confidence motion against



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Sri.R.T.Dyavegowda as Chairman, Sri.C.R.Jagadish as Secretary and Sri.Parshwanath as Treasurer held on 08.09.2025 is illegal for two reasons viz., firstly, that the said no confidence motion was moved in a meeting within one year from the date of election that was conducted on 11.01.2025 and secondly, that the number of members who supported the no confidence motion were 13 as against the requisite $2/3^{\text{rd}}$ majority which came to 16 in number. In this regard, it is relevant to state that insofar as the meeting being conducted on 08.09.2025 within a period of one year from the date of election conducted on 11.01.2025 is concerned, with the consent of both sides, this Court vide order dated 09.02.2026 directed a fresh / new meeting for the purpose of no confidence motion to be conducted on 12.02.2026 in the presence of learned counsel who submitted a report dated 13.02.2026 as hereunder:-

“ 1. It is submitted that as per the directions of this Hon'ble Court dated: 09/02/2026, the proceedings of the “ Motion of No-Confidence” was held against the following office bearers of the Respondent Society:

- 1. Sri. R.T.Dyavegowda, President*
- 2. Sri. C.R. Jagadish, Secretary*
- 3. Sri. H.D. Parshwanath.*



2. *It is respectfully submitted that the “ Motion of No- Confidence” commenced in the Board Room of the Respondent Society as per the scheduled time fixed by this Hon’ble Court at 12 noon on Thursday, the 12th of February 2026.*

3. *It is submitted that all the 24 members of the Executive Committee of the Respondent Society were present in the meeting before the schedule time.*

4. *It is submitted that the order passed by this Hon’ble Court was read over in the meeting and the direction issued by this Hon’ble Court was duly explained to the Executive Committee Members. The Signatures of all the 24 members of the Executive Committee were obtained in the register of proceedings before the commenced of the “ Motion of No-Confidence”.*

5. *It is submitted that as per the directions of this Hon’ble Court, the “ Motion of No-Confidence” was conducted. It is submitted that 14 members have voted for supporting the “Motion of No-Confidence” against the President, Secretary and the Treasurer of the Respondent Society. The Said 14 members have raised their hands in support of the “motion of No-Confidence” and their signatures were obtained in the registered of proceedings confirming the same.*

6. *It is submitted that 10 members have voted against the “ Motion of No-Confidence” against the President, Secretary and the Treasurer of the Respondent Society. The Said 10 members have raised their hands against the “ Motions of No- Confidence” and their signatures were duly*



obtained in the registered of proceedings confirming the same.

7. *It is submitted that as per the directions of this Hon'ble Court, the entire proceedings were photographed and videographed and the entire proceedings were concluded at 1 pm.*

8. *It is submitted that the original registered of proceedings along with 3 sets of Xerox copies is produced for the kind perusal of this Hon'ble Court. The pen drive containing the photographs and the videos of the proceedings dated: 12.02.2026 held at the board room of the respondent society is also produced for the kind perusal of this Hon'ble court.*

9. *It is submitted that the Commissioner Fee has been received by the Commissioner/Observer after the conclusion of the No-confidence Motion. The Xerox copy of the cheque dated: 12.02.2026 is produced for the kind perusal of this Hon'ble Court.*

10. *It is submitted that the co-operation extended by the Executive Committee Members of the respondent society deserves appreciation of this Hon'ble Court as the members behaved in a dignified manner in conducting the proceedings peacefully."*

19. As can be seen from the aforesaid report, 14 members of the Executive committee have supported and voted in favour of no confidence motion, while 10 members have voted against the motion; the said meeting which was conducted on 13.02.2026



beyond / after a period of one year from the date of election which was conducted on 11.01.2025 clearly establishes and reiterates the meeting conducted on 08.09.2025 to the effect that more than half (50%) of the members had voted in favour of no confidence motion and consequently, the said contention urged by the plaintiffs that the no confidence motion dated 08.09.2025 is illegal and invalid, since it was within a period of one year, cannot be accepted since the same was reiterated with the consent of both sides even after a period of one year when the fresh / new meeting was conducted on 12.02.2026 as stated supra. Under these circumstances, the said contention urged on behalf of the plaintiffs cannot be accepted.

20. As stated supra, it is the specific contention of the plaintiffs that the no confidence motion dated 08.09.2025 and 12.02.2026 has to fail on account of lack of 2/3rd majority on the part of defendants for the purpose of removing the said Sri. R.T.Dyavegowda as Chairman, Sri.C.R.Jagadish as Secretary and Sri.Parshwanath as Treasurer of the plaintiffs – society. In support of their contention, they placed reliance on the judgment of the Division Bench of this Court in **Basrur's case supra** and the learned Single Judge of this Court in **Shivappa's case supra**. On



the other hand, petitioners – defendants specifically contend that in the absence of any provision in the KSR Act / Rules / Regulations or the Byelaws of the plaintiffs – Society, the procedure to be followed for the purpose of passing of motion of no confidence should be the same as the procedure for electing the office bearers of the Executive committee which was done by way of simple majority on 11.01.2025, in which, Sri.R.T.Dyavegowda was elected as Chairman, Sri.C.R.Jagadish as Secretary and Sri.Parshwanath as Treasurer, the motion of no confidence for their removal would be satisfied / fulfilled / successful by invoking simple majority as held by the Apex Court in ***Vipul Bhai's case supra*** and this Court in ***Renukaprasad's case, Rathnamma's case and Karnataka State Primary School's case supra*** and in the light of material on record that more than half (50%) of the members favoured / supported the motion of no confidence (even after excluding defendants 11 to 13), the motion of no confidence deserves to succeed, thereby removing Sri.R.T.Dyavegowda as Chairman, Sri.C.R.Jagadish as Secretary and Sri.Parshwanath as Treasurer of the plaintiffs – society.



21. Before advertng to the rival contentions, it would be necessary to refer to the judgment of the Apex Court in **Vipul Bhai's case supra**, as hereunder:-

“51. The cooperative society registered under the Central or the State Act is bound to function as a democratic institution and conduct its affairs based on democratic principles. Democratic functioning on democratic principles is to be reflected in the respective Acts or Rules or bye-laws both on the principle and procedure. If not, it is for the court to read the democratic principles into the Act or Rules or bye-laws. If a procedure is prescribed in any Act or Rule or bye-law regarding election of an office-bearer by the board, as defined under Article 243-ZH(b) of the Constitution of India, and for removal thereof, by way of a motion of no-confidence, the same procedure has to be followed. In case there is no express provision under the Act or Rules or bye-laws for removal of an office-bearer, such office-bearer is liable to be removed in the event of loss of confidence by following the same procedure by which he was elected to office.”

22. The said judgment of the Apex Court was followed a learned Single Judge of this Court in **Renukaprasad's case supra** as hereunder:-

2. A brief background in which the writ petitions are filed is that the parties herein are members of Rajya



Vokkaligara Sangha (hereinafter referred to as the 'respondent-Society' for short), a Society registered under the Mysuru Societies Act, 1904. The Mysuru Societies Act, 1904 being replaced by the Karnataka Societies Registration Act, 1960 (hereinafter referred to as the Act, 1960 for short), it is not disputed that the Society is now governed by the Act, 1960. Some of the members of the Governing Council decided to remove the present set of office bearers by invoking clause 7(3)(Aa) read with clause 16(3) of the Bye-laws and accordingly, issued notice to the Secretary and the President of the Society on 18.07.2024. The Secretary of the Society gave a reply on 22.07.2024 declining to call for meeting to discuss the subject in terms of meeting notice dated 18.07.2024. The members who had issued the meeting notice dated 18.07.2024, sought to invoke clause 16(3) of the Bye-laws and called for a meeting on 30.08.2024, to take forward the proposal of removing the office bearers. Show cause notice is said to be issued to the office bearers on 30.08.2024. On 30.08.2024 the members who had proposed and called for the meeting, took a decision to hold a meeting on 09.09.2024, to discuss and take a decision for removal of the office bearers.

24. *However, as declared by the Hon'ble Apex Court, even if there is no specific provision for motion of no confidence, such motion would be valid and permissible. Therefore, since the respondent-Society is functioning on democratic principles, motion of no confidence should be permitted. In the considered opinion of this Court, such an*



action can be taken by the petitioners by proceeding under clause 16(3) of the Bye-laws. Further, since it has been declared that in the absence of specific provision for motion of no confidence, the same procedure followed for election is required to be followed in the matter of no confidence, therefore, subsequent to the convening of meeting in terms of clause 16(3), the Executive Committee shall also decide on the Officer to preside over the meeting, in terms of clause 7(3)(a)."

23. So also, in ***Rathnamma's case supra***, this Court held as under:-

"27. In the background of the above said proposition, if the Ordinance is examined, sub-clause (2) of Section 1 of the Ordinance clearly contemplates that Karnataka Gram Swaraj and Panchayat Raj (Amendment) Ordinance, 2020 shall come into force at once. Further the amendment to Section 179 wherein the words "subject to such rules as may be prescribed" would in no way take away the powers of the authority in proceeding with the No-confidence Motion by following the procedure prior to amendment. The Hon'ble Apex Court in Vipulbhai M. Chaudhary's case supra has also categorically held that if a procedure is prescribed in any Act or Rule or Bye-law regarding election of an office-bearer by the "board", as defined under Article 243-ZH(b) of the Constitution of India, and for removal thereof, by way of a motion of no-confidence, the same procedure has to be followed. At this juncture, I have gone through the written



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synopsis produced by the Counsel for the fourth respondent that in Vipulbhai M. Chaudhary's case supra, the Apex Court has declared the law regarding democratic set up of a Co-operative Society and has consequently laid down guidelines. The learned Senior Counsel contended that the Hon'ble Apex Court has authority under Article 142 of Constitution of India, but this Court exercising jurisdiction under Article 226 has no power either to declare a law or issue any guidelines to the State needs to be outrightly rejected. This argument is difficult to accept as Act relating to elected representatives of Panchayath contained a provision regarding no confidence, but however, in Co-operative sector the Apex Court has observed that there is no express provision regarding no-confidence. The Apex Court has further held that the co-operative society registered under the Central or the State Act is bound to function as a democratic Institution and conduct its affairs based on democratic principles. The Apex Court was of the view that democratic functioning on democratic principles is to be reflected in the respective Acts or Rules or bye-laws both on the principle and procedure. If such Rules or procedures are not contemplated then it is for the Court to read the democratic principles and if there is no express provision under the Act or Rules, or Bye-laws for removal of an office bearer, such office-bearer is liable to be removed in the event of loss of confidence by following the same procedure by which he was elected to the office. In this background, the contention of the learned Senior Counsel appearing for the fourth respondent that this Court cannot



exercise jurisdiction under Article 226 of the Constitution of India needs to be out rightly rejected.

31. *This Court has meticulously examined Articles 226, 32 and 142 of Constitution of India. After going through the broad contours of the Supreme Court under Articles 32 and 142 of the Constitution of India and that of High Courts under Article 226 of Constitution of India, it is not in dispute that the High Court can exercise such powers for any other purpose apart from enforcement of fundamental rights. In catena of judgments, the Hon'ble Apex Court has held that the High Court encompasses a wider area of jurisdiction as far as the subject of writ jurisdiction is concerned. On the other hand, the Hon'ble Apex Court has a wider territorial jurisdiction than the High Courts and has got open and undefined powers under Article 142 of the constitution of India o pass such decree or make such order as is necessary for doing complete justice. There are no two opinions about the aphoristic judicial observation that Article 226 of the Constitution confers extraordinary jurisdiction on this Court and that is wide as well as expansive, no fetter can be placed on the exercise of the said extraordinary jurisdiction. The adjudicatory ambit of an issue, indeed, is kept to the discretion of Constitutional Courts. The primary purpose of a writ of mandamus is to protect and establish rights and to impose a corresponding imperative duty on State and its officials. In the present case on hand, there is no violation of any statutory provision or Rule of law. In that view of the matter, this Court is of the view that there is no reason as to why the Rule of majority*



ought not prevail. Moving a motion of no-confidence is a right given to the members who constitute electoral college to elect President and Vice-President to the Panchayath, Taluk Panchayaths as well as Zilla Panchayath. Under Sections 49, 140 and 180, every Adhyaksha or Upadhyaksha of either Grama panchayath, Taluk panchayath and Zilla panchayath shall forthwith be deemed to have vacated his/her office if a resolution expressing want of confidence in him/her is passed by majority of members. If such a requisition is submitted, then the authority is bound to convene a meeting for the said purpose in accordance with the procedure as may be prescribed and if no such procedure is prescribed, the authority is bound to follow the prevailing procedure prior to amendment or in absence of such a procedure, the authority is under a statutory duty to follow the same procedure under which the fourth respondent was elected as a President. Once a requisition expressing no-confidence motion is moved, this Court is of the view that the same cannot be kept in abeyance since it runs contrary to the principle of representative democracy and if such a situation arises then it is the bounden duty of the Courts to read the constitutional requirements into the existing provisions.”

24. In **Karnataka State Primary School’s case supra**, this Court held as under:-

“27. It is also important to note that, now the other question before the Court is that this no confidence motion



decision was taken by 56 members out of 79 members and even 79 members are not qualified to take a decision of no confidence motion. When the counsel brought to notice of this Court by filing additional documents that before electing the President in the year 2020-25, State Election Officer issued the electoral role wherein State members electoral role from different district's total number is 3173 and contend that if any decision to be taken in the no confidence motion, those members have to participate and contend that President was elected unanimously even though the electoral role was released for the period from 2020-2025 and also produced the details of members producing the documents and same also discloses that total members are 3173 and in the case on hand admittedly only 79 members, total members were decided to take the decision and out of that, only 56 members have passed the resolution. I have already pointed out that in Vipula Bhai case referred by both the learned counsel for appellants and learned counsel for respondents in paragraph No.51, the Apex Court held that in the absence of any Bye Law with regard to the no confidence motion, the method in which office bearers has been selected has to be removed following the same procedure and hence, it is clear that 3173 members who can vote for selection of office bearers of the State have to participate, but in the case on hand, they are not participated. Though such ground is urged by the counsel for appellants and I have pointed out that very filing of suit by the President is in question and also the question is whether Court having the jurisdiction to entertain the same in view of the bar laid down in the Bye Law No.16(r), 18(a) to (c) which as discussed above. Now, the other question before the Court is that the very



contention of the appellants that the very fixing the date of no confidence motion i.e., on 06.05.2023 is disputed and counsel for appellants has also contend that no such date was fixed and the same was inserted in the resolution fixing the date as 06.05.2023, but whether it is inserted or not, there is no material before this Court except the zerox copy of the resolution and also it is noted that the matter was heard before the Trial court in the absence of the Secretary and Secretary having the custody of that document and same also to be produced before the Trial Court. Apart from that the appellants have also produced the document and contend that even assuming that the President was removed in the no confidence motion but letters are addressed by the Secretary as well as the President on 22.05.2023 and also as 23.05.2023 and those documents are also produced before the Court and if the President was removed on 06.05.2023 itself in no confidence motion, the question of signing both the President and Secretary on 22.05.2023 is also doubtful and these documents not produced before the Trial court while arguing the matter and same is placed before this Court and custody of the those documents is also with the Secretary and in the present case also notice is dispensed at the instance of the appellants against the Secretary and custodian of the documents i.e., Secretary must place the documents before the Court to examine the issue involved between the parties. Those original documents are also not placed before this Court i.e., original documents of resolution of fixing the date as 06.05.2023 and the same is disputed and also the subsequent letter 22.05.2023 and 23.05.2023 also disputed, when such material is not placed before this Court and in the absence of the Secretary also, this



Court cannot decide the issue and hence, the matter requires to be remitted back to the Trial court to decide all these issues which have been observed in this Court, i.e., with regard to the very maintainability of the suit by the President and also the very maintainability of the suit in view of the bar under Bye Law No.16(6) and Bye Law No.18(a) to 18(c) and so also the suit is not filed by the Secretary of the Society and same is filed by the President as per Bye Law, instead of approaching the Court, the matter has to be entrusted to the Disciplinary Committee as constituted under Bye Law No.5 and whether the Court has got jurisdiction or not, in view of referred these Bye Laws also to be examined by the Trial court and Court has to decide with regard to the maintainability of the and also suit seeking the relief as well as whether the Court has got jurisdiction to entertain the suit and grant an interim order and when all these aspects have not been touched upon by the Trial court and also the documents which are in custody of the Secretary also necessary for deciding the issue involved between the parties and hence, matter requires to be reconsideration by the Trial court by setting aside the order of dismissal of application and direction can be issued to the Trial court to consider all these aspects and take a decision on IA No.1.”

25. As can be seen from the judgments of the Apex Court and this Court *supra*, it is clear that in case there is no express provision under the Act, Rules or Byelaws for removal of office bearer, such office bearer is liable to be removed in the event of loss of confidence by following the same procedure, by which he



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was elected to office; in the instant case, the aforesaid Sri.R.T.Dyavegowda was elected as Chairman, Sri.C.R.Jagadish as Secretary and Sri.Parshwanath as Treasurer in the elections conducted on 11.01.2025 by virtue of simple majority i.e., half (50%) obtained by them leading to the sole / unmistakable conclusion that their removal from office by virtue of motion of no confidence would have to be done by following the same procedure i.e., by simple majority / half (50%); as stated supra, apart from the fact that more than 50% of the members of the Executive committee had voted in favour of no confidence motion in the meetings held on 08.09.2025 and 12.02.2026, even if defendants 11 to 13 are excluded, still the remaining members comprising of defendants 1 to 10 and Sri.B.V.Srinivas would satisfy / fulfill the requirement of half (50%) by way of simple majority and consequently, I am of the considered opinion that both the Courts completely misdirected themselves in failing to appreciate that the aforesaid Sri.R.T.Dyavegowda who was elected as Chairman, Sri.C.R.Jagadish as Secretary and Sri.Parshwanath as Treasurer were liable to be removed from their office by virtue of their successful motion of no confidence moved against them in respect



of the plaintiffs - society and the claim of the plaintiffs was liable to be rejected and the claim of defendants deserve to be upheld in the facts and circumstances of the instant case.

26. Insofar as the judgment of the Division Bench in ***Basrur's case supra***, relied upon by the plaintiffs is concerned, the same would not be applicable to the facts of the instant case for more than one reason;

(i) The findings given by the Division Bench is in light of the facts of that case, wherein the subject society was a statutory society under the Indian Red Cross Societies, Act, 1920. However, in the present case, the plaintiff society is not a statutory society and a private society registered under the KSR Act and therefore, no reliance can be placed on ***Basrur's case supra***.

(ii) The findings given by the Division Bench on the safeguards for the office bearers is in line with the spirit of the enactment of Indian Red Cross Societies Act, 1920, wherein Section 4E of Indian Red Cross Societies Act, 1920, gives President of the society superior powers than the Managing committee. However, in the present case, the plaintiffs- Society's Byelaws, particularly Byelaw No.7 (II) (b) states that Executive



committee is supreme and has complete control and responsibility of the affairs of the Society, therefore, no reliance can be placed on ***Basrur's case supra.***

(iii) The findings given by the Division Bench in paragraph-21 provides for a deeming provision to oust the office bearer from his/her position provided the requisite 2/3rd majority is fulfilled. This deeming provision creates a legal fiction, wherein the office bearer is automatically ousted from his or her position, the moment 2/3rd majority is fulfilled. However, this deeming provision does not mean that the requisite majority required to pass a successful no confidence motion against a office bearer is 2/3rd i.e., 67% of the total members of the Executive Committee. Therefore, no reliance can be placed on ***Basrur's case supra.***

27. Insofar as the judgment of the co-ordinate Bench of this Court in ***Shivappa's case supra***, relied upon by the plaintiffs is concerned, the same would also not be applicable to the facts of the instant case, since the said judgment is entirely based on ***Basrur's case supra***, without appreciating that in view of the finding recorded by me hereinbefore that ***Basrur's case supra***, is clearly distinguishable on facts, no reliance can be placed upon



Shivappa's case supra by the plaintiffs, whose contentions in this regard cannot be accepted.

28. As stated supra, I have already come to the *prima facie* conclusion that the motion of no confidence moved against Sri.R.T.Dyavegowda - Ex-Chairman, Sri.C.R.Jagadish - Ex-Secretary and Sri.Parshwanath - Ex-Treasurer was successful in the meetings conducted on 08.09.2025 and 12.02.2026, as a result of which, the said persons ceased to continue to remain, function and operate as office bearers of the Society; in pursuance of the same, the defendants 1, 2 and 12 having been elected as Chairman, Secretary and Treasurer of the Society in the meeting conducted on 08.09.2025, these defendants 1, 2 and 12 along with the remaining defendants 3 to 11, 13 and Sri.B.V.Srinivas, all of whom had voted in favour of the motion of no confidence would be entitled to manage the affairs of the society pending disposal of the suit and consequently, I am of the view that the impugned orders passed by the Trial court and Appellate court deserve to be set aside and the application I.A.No.3 filed by the plaintiffs is liable to be dismissed and the application I.A.No.4 filed by defendants 1 to 13 deserves to be allowed.



29. The upshot of the above discussion leads to the following *prima facie* conclusions;

(i) The suit filed by the plaintiffs – society alleged to be represented by Sri.R.T.Dyavegowda – Ex-Chairman, Sri.C.R.Jagadish – Ex-Secretary and Sri.Parshwanath – Ex-Treasurer is *prima facie* not maintainable and as such, the question of granting any interim order in favour of the plaintiffs would not arise, in the facts and circumstances of the instant case.

(ii) The alleged suspension of defendants 11 to 13 as members of the Executive committee vide orders dated 06.09.2025 are *prima facie* illegal, invalid, inoperative, non-est and *void ab initio* in the eye of law and the same does not have the effect of keeping defendants 11 to 13 under suspension and consequently, the said defendants 11 to 13 continued / continue to function, remain and operate as members of the Society.

(iii) The no confidence motion moved against Sri.R.T.Dyavegowda as Chairman, Sri.C.R.Jagadish as Secretary and Sri.Parshwanath as Treasurer of the plaintiffs – society was *prima facie* successful and in favour of the motion, as a result of



which, these persons ceased to be the office bearers and would not be entitled to remain in office of the plaintiffs – society;

(iv) The defendants 1, 2 and 12 having been elected as Chairman, Secretary and Treasurer of the society in the meeting conducted on 08.09.2025, these defendants 1, 2 and 12 along with the remaining defendants 3 to 11, 13 and Sri.B.V.Srinivas, all of whom had voted in favour of the motion of no confidence would be entitled to manage the affairs of the society pending disposal of the suit.

(v) It is made clear that the present order and the findings recorded by me hereinbefore are for the *prima facie* purpose of disposal of the present petitions and to ensure that the management and day today affairs of the Society continued to be conducted in a smooth and proper manner and the same would be subject to the final outcome of the suit after a full fledged trial and the Trial court shall dispose of the suit as expeditiously as possible without being influenced by the findings and observations recorded in the present order as well as the impugned orders of the Trial court and Appellate court and no opinion is expressed on the merits / demerits of the rival contentions.



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30. In the result, I pass the following:

ORDER

(i) W.P.No.1426/2026 and W.P.No.1446/2026 are hereby allowed.

(ii) The impugned common orders passed on I.A.Nos.3 and 4 in O.S.No.762/2025 dated 04.12.2025 as well as the impugned orders passed in M.A.No.25/2025 and M.A.No.26/2025 both dated 14.01.2026 are hereby set aside.

(iii) The application I.A.No.3 filed by the plaintiffs – Society in O.S.No.762/2025 is hereby dismissed.

(iv) The application I.A.No.4 filed by the defendants in O.S.No.762/2025 is hereby allowed.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE

Srl.