

**IN THE COURT OF THE PRI. CIVIL JUDGE & JMFC.,,
CHIKODI, AT: CHIKODI.**

Present: **Ashok R H**
Principal Civil Judge & J.M.F.C.,
Chikodi.

Dated this the 20th day of January, 2024

O.S.No. 132 of 2023

PLAINTIFF:

1. Shri. Laxmi Devi of Chikkodi (Halatti) Trust,
Bearing Registration No. A-1929 (BGM),
Halatti village, Tq: Chikodi, Dist: Belagavi.

Represented by its Hereditary Trustee -
Shri. Chikkappa S/o Shivappa Pujari,
Age: 67 years, Occ: Priest & Agriculture,
R/o: At/Post: Hallatti village,
Tq: Chikodi, Dist: Belagavi.

//Vs//

DEFENDANTS:

1. Sanjay S/o Srikant Channavar,
Age: 45 years, Occ: Business & Agriculture,
R/o: At/Post: Hallatti village,
Tq: Chikodi, Dist: Belagavi & others.

: PARTIES ON I.A.NO.I :

Applicant/Plaintiff:

1. Chikkappa S/o Shivappa Pujari.

V/s.

Opponents/Defendants:

1. Sanjay S/o Srikant Channavar & others

Order on I.A.No.I:

The plaintiff has filed this application U/Section 92 & 93 R/w Section 151 of CPC, seeking leave to file the suit to safeguard the interest of the trust.

2. In the accompanying affidavit, one of the hereditary trustees of the plaintiff trust has stated that, himself and his brothers are hereditary trustees and are managing the said trust and carrying the regular religious functions specified in the trust. The defendants who are the natives of the Halatti village are not at all concerned with the affairs of the Temple deity or its property. It is alleged that, the defendants are unnecessarily interfering with the affairs of the temple management and are depriving the rights of the plaintiff's family and are trying to oust the plaintiff from the temple management. It is alleged that, the defendants have formed a bogus committee under the name and style as 'Shree Laxmi Devi Jatramahostsav Samiti, Halatti-Chikodi', illegally. The defendants No.1 to 5, with the assistance of the other defendants, have conducted the annual fair/jatra from 01-05-2022 to 09-05-2022 illegally. They have also raised funds and collected money from the devotees and not keeping any accounts and that they have misappropriated the public money for their personal use. The defendants have hosted amusement activities by collecting donations from the public.

The defendants have collected huge money from the public and have misused it & have credited the amount to their personal accounts. Therefore, the plaintiff has sought to allow the application.

3. No objections are filed to I.A.No.1.
4. Heard & perused the materials placed on record.
5. This court, at the inception, had issued notice of I.A.No.1 to the defendants. The plaintiff trust herein has sought to file this suit with the leave from the court, as the suit is filed by a trust. As per the plaint pleadings, the plaintiff is hereditary religious trust registered under the Bombay Public Trust Act. Thus, the leave of the court is necessary to institute the suit. Two or more persons having interest on the trust, may obtain such leave. Section 92 (h) provides that, such suit to obtain a decree granting such further or other reliefs as the nature of the case may require, may be filed. Thus, this court is of the considered opinion that, it is fit to grant leave to the plaintiff to institute this suit. Accordingly, this court proceeds to pass the following:-

ORDER:

The I.A.No.1 filed by the plaintiff U/Section 92 & 93 R/w 151 of CPC is hereby allowed.

Prl.Civil Judge & JMFC
Chikodi.