



IN THE COURT OF PRL CIVIL JUDGE & JMFC.,
SAKALESH PURA

-.PRESENT:-

Sri. Lakshmi Narasimha R.V. B.A.L., LL.B.,
Prl. Civil Judge & JMFC., Sakaleshpura.

Dated this the 17th day of January, 2026

O.S. No.161/2025

PLAINTIFF : **Sri. Shashikumar. H.B.**
V/s.

DEFENDANTS : **Planters Club(R) and another**

I.A. No.I

Plaintiff/Applicant : **Sri. Shashikumar H.B.**
V/s.

Defendants/Opponents : **Planters Club(R) and another**

ORDERS ON APPLICATION FILED BY THE PLAINTIFF
UNDER ORDER XXXIX RULE 1 AND 2 OF C.P.C

The plaintiff has filed this application under order XXXIX Rule 1 and 2 of CPC praying this court to pass an order of an ad-interim temporary injunction restraining defendant No.1 from taking any administrative decision and not to hold any meetings with respect to defendant No.1 club till the disposal of the suit.



2. In the affidavit annexed along with the application, the plaintiff has averred that, he has filed the present suit for the relief of declaration to set aside the results of the election held on 07.06.2024 and 09.06.2024 and any appointments or decisions made thereto. Defendant No.1 club is a recreational and sports club established under and registered under the Karnataka Societies Registration Act, 1959 and it has been functioning since 1995 in accordance with bye-laws. (Hereinafter referred as Club). The club comprises of difference categories of membership. The plaintiff has applied for membership of the club on 20.02.2024. Defendant No.2 was appointed as Election/Returning Officer by the club for the purpose of conducting the elections for new members for the year 2024-25. The club has failed to constitute a full fledged managing committee in accordance with its bye-laws. The Vice-President and Joint Secretary remained unfilled. Hence, the election process initiated by and incomplete committee is ultra vires and illegal.



3. He has further contended that, the club passed a resolution on 14.05.2024 to conduct the elections for admitting new members and fixed the election dated as 07.06.2024 to 09.06.2024. Accordingly, defendant No.2 was appointed as Returning Officer vide resolution dated 04.06.2024. Whereas, the election was not conducted within the prescribed timeline or in accordance with the provisions of club bye-laws. Defendant No.2 failed to publish the election schedule and process. There were several irregularities marred during the election process. The allowed the members with no voting rights and defaulters in membership dues to cast votes, multiple voting and proxy voting. The eligible voters list was not made available before the election. The ineligible members including associate members and those in arrears were permitted to vote. Hence, the process was completely in violation of the bye-laws. The secretary of the club permitted the children of the members to vote upon telephonic consent from the guardians. Such procedure is not sanctioned under the bye-laws. There were numerous irregularities in ballot



papers, including duplicate signatures, altered names and unauthenticated entries. The votes counting was carried out in the absence of the candidates or their agents. Hence, the result declared on 11.06.2024 dated 10.06.2024 was illegal. The defendants acted bias, favoring particular candidates and violating the neutrality expected in the elections. The action of the defendants is prejudicial to the interest of the society and its members. The plaintiff has got prima-facie case and balance of convenience in his favour. If the application is not allowed, he would put to irreparable loss and injury. Hence prayed to allow the application.

4. Upon the service of summons, the defendants have appeared before the court through their counsel and filed objections. It is their contention that the plaintiff has to challenge the election process before Registrar of District Co-operative Societies, Hassan. Hence, the present suit is not maintainable. The resolutions are being passed in conformity with the elected body and members of the club. Hence, the suit without impleading the elected body is not maintainable. The



suit is bad for non-joinder of necessary parties. The club passed a resolution on 14.05.2024 to conduct the elections for admitting new members and fixed the election dated as 07.06.2024 to 09.06.2024. Defendant No.2 was appointed as Returning Officer to conduct the election. The elections were conducted in accordance with the bye-laws. Defendant No.2 has published the entire election process in the notice board of the club. The President has no role in conducting the election. The ineligible members and those in arrears were not permitted to vote and they have followed due process of law. As per the bye-laws, the children of the members are permitted to vote with the consent of their parents. There were no irregularities or malpractice occurred during the process of election.

5. They have further contended that, it is the duty of the candidates to be present at the time of counting. The voting was conducted confidentially and no bias was favored to any candidates. As per the bye-laws, the candidates must secure 70% of the votes of the members. The plaintiff was



succeeded to secure only 125 votes out of 185 votes. 14 votes out of 125 votes were disqualified. Hence, the plaintiff secured only 111 votes and failed to secure magic number of 130 votes. Hence, he was disqualified from being elected as member of the club. Now, the plaintiff has filed this suit only with intention to cause harassment and defame the reputation of the club. The club consists of more than 200 members and is successfully functioning since 1995 by following all the bye-laws in accordance with law. The other suspended members have also filed various suits against the club and now the plaintiff by colluding with them has also filed this suit only with an intention to cause harassment. The plaintiff cannot maintain the suit before this court. If the application is allowed, the great hardship would cause for administration of the club. Accordingly, prayed to dismiss the application.

6. On basis of the application, plaint, written statement and documents on record, the following points that arise for the determination of this court.



1. Whether the plaintiff has made out prima- facie case in his favour?
2. Whether the balance of convenience lies in favour of the plaintiff?
3. Whether the plaintiff will be put to great hardship and irreparable loss if, order of temporary injunction is not granted?
4. What order?

7. Heard arguments. Perused the application, affidavit, objections and records placed before this court.

8. My finding on above points are as follows:-

Point No.1 : In the *Negative*

Point No.2 : In the *Negative*

Point No.3 : In the *Negative*

Point No.4: As per the final order for the following

**::REASONS::**

9. Point No.1: The plaintiff has filed the present suit for the relief of declaration to set aside the results of the election held on 07.06.2024 and 09.06.2024 and any appointments and declare the votes of the members mentioned in the prayer as null and void. The main contention of the plaintiff is that, the election was not conducted within the prescribed timeline or in accordance with the provisions of club bye-laws. Defendant No.2 failed to publish the election schedule and process. There were several irregularities marred during the election process. The allowed the members with no voting rights and defaulters in membership dues to cast votes, multiple voting and proxy voting. The eligible voters list was not made available before the election. The ineligible members including associate members and those in arrears were permitted to vote. Hence, the process was completely in violation of the bye-laws. The secretary of the club permitted the children of the members to vote upon telephonic consent from the guardians. Such procedure is not sanctioned under



the bye-laws. There were numerous irregularities in ballot papers, including duplicate signatures, altered names and unauthenticated entries. The votes counting was carried out in the absence of the candidates or their agents.

10. On perusal of the point No.3(2) of the bye-laws, the candidate must secure 70% of the votes to elect as member of the Club. As per the votes, the plaintiff has secured 125 votes out of 185 votes which is below 70%. Further it appears on prima-facie that the same was communicated to the plaintiff vide letter dated 10.06.2024. It appears on prima-facie that as per the resolution, it was permitted the children of the members to cast vote on behalf of their parents with the telephonic consent. At the time of arguments, the learned counsel for the plaintiff has produced the copy of order passed by the Hon'ble High Court of Karnataka in WP No.26299/2025 (GM-KSR) dated 30.08.2025 and submitted that the process of election over a period of three days has been challenged. The plaintiff has questioned the very Bye-laws and process of elections, which is not subject matter of the suit. It appears on



prima-facie that the plaintiff has participated in the process of election as one of the aspirants to get elected as member of the Club and on the other hand, he has questioned the very process of the election after the lapse of one year, which is required to be adjudicated after full fledged trial. Hence, at this stage, the plaintiff has failed to show the prima-facie case in his favour. Accordingly, Point No.1 is answered in the ***Negative.***

11. Point No.2 and 3: Since these points are inter connected with each other, they are taken together for the discussion in order to avoid the repetition of the facts and circumstances.

12. As discussed supra for Point No.1, at this stage, the plaintiff has failed to show prima-facie case in his favour. It is relevant to note here that, the election was being conducted from 07.06.2024 to 09.06.2024. Now the plaintiff has come up before the Court with the present application seeking temporary injunction to restrain defendant No.1 from taking administrative decisions and not to hold any meeting with



respect to Club. This Court is of the opinion that at this stage, if defendant No.1 is restrained from taking any decision on administrative side and meetings, it would certainly cause great inconvenience and hardship to defendant No.1 Club and basic structure and operations of Club may be put to great hardship which cannot be compensated by any means. As such, balance of convenience lies in favour of the defendants and not in favour of plaintiff. Further, if administration and operation of meetings is stayed, it deprive the rights of the members at large and defendants as well as public at large would put to irreparable loss and injury than in comparison with the plaintiff. Accordingly Point No.2 and 3 are answered in the *Negative*.

13. Point No.4: For the above discussed reasons, this court proceeds to pass the following:

::ORDER::

Application No.I filed by the plaintiff under order XXXIX Rule 1 and 2 of C.P.C. is hereby dismissed.

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O.S. No. 161/2025

No order as to costs.

[Dictated to the stenographer directly on computer and then corrected by me and thereafter pronounced in the open court on this the 17th day of January, 2026]

[Lakshmi Narasimha R.V,]
Prl. Civil Judge and JMFC,
Sakaleshpura.