



**IN THE COURT OF PRL. CIVIL JUDGE & JMFC.,
AT RANEBENNUR.**

Dated on this the 02nd day of May 2026

**Present: Sri. ADITHYAKUMAR H.R, B.A.LL.B.
Prl. Civil Judge & JMFC.,Ranebennur.**

ORIGINAL SUIT NO.314/2024

Plaintiffs: Sridhar S/o Ramchandrapa
Chikkannanavar & others.

(Rep. By Sri. S.R.H. Adv.)

V/s

Defendant: Sannatammappa S/o Ramappa
Barki & others.

(D-1 to 10 Rep. By Sri. S.A.K. Adv.)

(D-12 Rep. By Sri. S.B.K. Adv.)

**(D-13 to 20, 22 to 32, 33, 34 to
39 to 49 Rep. By Sri. B.S.A. Adv.)**

(D-50 & 51 Rep. By A.G.P.)

I.A. NO. II CAUSE TITLE.

Plaintiffs/

Applicants : Sridhar S/o Ramchandrapa
Chikkannanavar & others.

-Vs.-

Opponent/

Defendant: District Registrar of Societies,
Haveri.



ORDER ON IA NO. II

The present application is filed by the plaintiffs under Order XXXIX Rules 1 and 2 read with Section 151 of the CPC, seeking an order restraining the defendant No.51 from renewing the Defendant No.1 society until the disposal of the suit.

2. Brief facts of the case necessary for the purpose of disposing the application are as under:

The plaintiffs have filed this suit seeking a declaration to declare that, office bearers of defendant No.1 society and its renewal for the year of 2023-24 and 2024-25 are illegal and seeking mandatory injunction to direct the defendant No.51 to conduct the fresh general body meeting.

2.1. It is the case of the Plaintiffs that, Defendant No.1 is the duly registered society engaged in running an educational institution, has been unlawfully taken over by defendant No.2 to 6 colluding with other defendants. The defendants in collusion with each other have created false documents, forged the signatures of genuine members and falsely depicted resignations and appointments. No valid general body meetings were convened, no notice were issued and several individuals were wrongfully shown as members and office bearers without



following the due process of law.

2.2. It is further pleaded that, the Plaintiffs have brought the same to the defendant No.51 authority. But, based upon such fabricated records, the defendant No.1 society has renewed for the year of 2023-24 and 2024-25 by the defendant No.51. The Plaintiffs' membership was illegally terminated on false grounds and the actions, including the meetings, resolutions and renewals are null and void. Hence, this suit.

2.3. In support of the application, Plaintiff No.1 has sworn an affidavit reiterating the averments in the plaint and contended that the defendants, by taking undue advantage of false documents trying to renew the society and defendant No.51 is to be restrained from renewing the defendant No.1 society until disposal of the suit. If the application is not allowed, they will put to irreparable loss and the same cannot be compensated in terms of money.

3. Upon due service of the suit summons, the defendant No. 51 appeared through the counsel and filed written statements and the same was treated as objection to the present application. It is contended that, there was no cause of action to file the present suit and the Plaintiffs have filed the present suit only to harass the defendants. It is also denied the



allegation of fraud or mismanagement in the defendant No.1 society. It is further contended that, the suit is bad for non joinder of necessary parties.

4. The counsel for either side have not addressed their arguments and the same was taken as not addressed.

5. After carefully analyzing and upon the perusal of the plaint, affidavit sworn to the application and the objection put forth by the defendants and other materials available on record, the following points arise for my consideration.

I. Whether the plaintiffs have made out a prima-facie case to grant the relief as sought for in the IA-II.?

II. Whether the plaintiffs prove that balance of convenience lies in their favour as regards the IA-II.?

III. Who will be put to irreparable loss and injury if the IA-II is rejected or granted.?

IV. What order?

6. After giving its anxious consideration and after carefully perusing the documents produced at this stage of the matter, this court answers the aforesaid points as under:



Point No.1 : In the Negative.

Point No.2 & 3 : In the Negative.

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

REASONS

7. Point No. 1:

At the very outset it would be incumbent upon this court to clarify that, the rule that before the issue of a temporary injunction, the court must satisfy itself that the plaintiff has a *prima-facie* case, it does not mean that, the court should examine the merits of the case closely and come to a conclusion that the plaintiffs have a case in which they are likely to succeed. All that, the court has to see is that on the face of it the person applying for an injunction has a case which needs consideration and which is not bound to fail by virtue of some apparent defects.

7.1. Keeping the above principles in mind, this Court now turns to the documentary evidence on record. On perusal, it is evident that the plaintiffs base their *prima facie* case on the allegation of fraud, misrepresentation and fabrication of signatures. The Plaintiffs in order to prove their *prima facie* case on the present application, they have not produced any documents, the counsel also failed to address the arguments.



7.2. The Plaintiffs have already sought the main relief seeking to declare renewal of the defendant No.1 society is null and void and also sought the relief of mandatory injunction to conduct fresh meeting. Admittedly, there is no prima facie materials to show the alleged fraud or misrepresentation. Since the Plaintiffs are not able to prove their prima facie case on this aspect, the present application cannot be allowed.

7.3. The allegations made in the plaint and in the present application are matter of trial. In the absence of full pledged trial, the same cannot be considered at this stage to allow the present application. Even the Plaintiffs nor their counsel have prosecuted the case effectively and also failed to convince this court to grant the temporary injunction as claimed by them. Thus, there is no materials to show the prima facie case to allow the present application.

7.4. It is settled law that the grant of an injunction is a discretionary relief. Its exercise requires the court to be satisfied that there is a serious question to be tried, a probability that the plaintiff or defendant is entitled to the relief claimed, and that interference is necessary to prevent irreparable injury. Further, the court must consider whether the hardship or inconvenience likely to arise from withholding the injunction



outweighs that from granting it. Without delving into the merits or holding a mini-trial, this court finds that the plaintiff has failed to establish a prima facie case for the grant of a temporary injunction in the present application. Accordingly, Point No.1 is answered in the **negative**.

8. Points No.2 and 3:

To avoid the repetition and ambiguity these two points are taken together for the consideration.

8.1. This Court has already gone on to hold on merits that, the plaintiff has failed to prove the existence of *prima-facie* case in their favor, under such circumstances this Court need not look into the other aspects i.e., balance of convenience and also irreparable loss and this view of the Court is further supported by the decision passed by Hon'ble Apex Court in *Kashi Math Samsthan & Anr. Vs. Srimad Sudhindra Thirtha Swamy & Anr.* **AIR 2010 SC 296** wherein it is held that :

“ In order to obtain an order of injunction, the party who seeks for grant of such injunction has to prove that, he has made out, prima-facie case to go for trial, the balance of convenience is also in his favor and he will suffer irreparable loss and injury if injunction is not granted. But it is equally well settled that when a party fails to prove prima-facie case to go for trial,



question of considering the balance of convenience or irreparable loss and injury to the party concerned would not be material at all, that is to say, if that party fails to prove prima-facie case to go for trial, it is not open to the Court to grant injunction in his favour even if he has made out a case of balance of convenience being in his favour and would suffer irreparable loss and injury if no injunction order is granted.”

(emphasis supplied.).

8.2. The same view was also held by the Hon’ble High Court of Karnataka in *Sri Gowrishankara Swamigalu Vs Sri Siddhaganga Mutt* reported- **AIR 1989 KAR 1701**, wherein it is held that :

The existence of a prima-facie case in the matter of granting injunction is really the harbinger or the all clear sign to go ahead in investigating other aspects of the question governing the grant or refusal of injunction. If there was no prima-facie case at all or the case put forward was so weak and tainted having very little prospect of being accepted by the Court, further questions of balance of convenience and irreparable loss need not be considered since the plaintiff would fall at the very first stile itself.”

But if there was a prima-facie case then other considerations governing the grant of injunction would come into play and will also have to be evaluated before granting or refusing the injunction. In other words the existence of a prima-facie case or even a very strong prima-facie case does not permit leap-frogging by the plaintiff directly to an injunction



without crossing the other hurdles in between.”

(Emphasis supplied.)

So this Court, in view of its conclusion arrived at regarding *Point No.(i)*, this court is of the opinion that this Court need not proceed to consider the other aspects. Hence, in view of the above discussion and abiding by the legal principle laid down in the above decisions, this Court holds Points No.(ii) and (iii) ***do not survive for consideration of this Court.***

9. Point No. IV:

For the foregoing reasons and in view of the finding given by this court on Point No. I to III, this court proceeds to pass the following:

ORDER

“IA No. II filed U/O. XXXIX Rule 1 and 2 R/w. Sec. 151 of CPC by the plaintiff is hereby dismissed.

No order as to cost.

Issues framed.

**For list of witnesses and documents by;
02.06.2026.”**

(Dictated to the Stenographer directly on the computer, transcript is corrected and signed by me and then pronounced by me in the open court on this 02nd day of May, 2026).

**(ADITHYAKUMAR H.R)
Prl. C.J.& JMFC Court,
Ranebennur.**

Order on IA
KAHV520011442024



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