

IN THE COURT OF III ADDL. DISTRICT AND SESSIONS
JUDGE, KOLAR (SITTING AT K.G.F)

O.S. NO.12/2022

Plaintiff/s:- Kum. Bharathi
D/o Late G.Vilvanathan & others,

-V/s-

Defendant/s:- Sri. V.Samarasan
S/o Late G. Vilvanathan & others,

ISSUES

1. Whether Plaintiffs prove that, the plaintiff and defendant No.1 to 4 formed Charitable Trust in the name and style of Bhathi Marga Central Trust at Shri. Sai Maduram Venugopalaswamy Temple, Old Marikuppam Post, Andersonpet, KGF which is registered on 06.06.2011 with nine trustees and said Trust is irrevocable?
2. Whether plaintiffs prove that, as per the covenants of the Trust Deed, the President was not authorized either to appoint or to remove the trustees unless and until, trustees submit their resignation or the Board of Trustees holds meeting against any of trustees and issue notice to the trustees calling upon to submit explanation or if the trustee dies or resigns or adjudged as insolvent or found guilty of moral turpitude and acting against the interest of Trust?
3. Whether plaintiffs prove that, as per the covenants of Registered Trust Deed, dated: 06.06.2011, none of the trustees can be invalidated?
4. Whether plaintiffs prove that, as per covenants of Registered Trust Deed, dated: 06.06.2011 at Para No.65 the Registered Trust

Deed shall not be amended and the trustees including office bearers shall not act contrary to the Registered Trust Deed and they are bound by the terms of conditions of Registered Trust Deed?

5. Whether plaintiffs prove that, the defendant No.1 being President of Bhakthi Marga Central Trust, visited the Trust on 13.03.2020 and without holding any meeting with trustees and office bearers, sent letter to the plaintiffs through Whatsapp and terminated them from the said Trust, even though he was not authorized person to remove them?

6. Whether plaintiffs prove that, even though there is no provision in the Registered Trust Deed, dated: 06.06.2011 either to remove or appoint any trustees, the defendant No.1 terminated the plaintiffs and appointed defendant No.5 to 7 which is against principles of natural justice?

7. Whether plaintiffs prove that, the amendment of Trust carried out by the defendant No.1 to 4 on 06.05.2020 by incorporating defendant No.5 to 7 as New Trustees without consent and confirms of the plaintiffs is illegal and against the covenants of Registered Trust Deed and the amendment of Trust Deed, dated: 06.05.2020 and 11.05.2020 are null and void?

8. Whether defendant No.1 to 7 prove that, the plaintiffs were misusing Temple properties and making attempts to terminate the members and Trust Members decided to call the meeting and issued notice through Whatsapp and after attending meeting by eight members and considering hostile acts of the plaintiffs to the object and interest of Trust and in the presence of majority members and in the better interest of Trust, it was resolved to terminate the plaintiffs?

9. Whether defendant No.1 to 7 prove that, plaintiffs were acting against the interest of Trust and were making attempts to displace

the founder and president of Trust with wrongful intention to knock off the Trust and its properties and doing illegal activities?

10. Whether plaintiffs are entitled for the reliefs sought in the plaint?

11. What order or decree?

Place: KGF

Date: 12.10.2023

(GANAPATI GURUSIDDA BADAMI)

III Addl. District & Sessions Judge,
Kolar (Sitting at K.G.F)