

KAMS410020882025



**IN THE COURT OF PRINCIPAL CIVIL JUDGE & JMFC.,
KRISHNARAJANAGAR**

PRESENT

**Sri. Chandan S, B.Com., LL.B
Prl. Civil Judge & JMFC, Krishnarajanagara.**

DATED 01ST DAY OF DECEMBER 2025

O.S./457/2025

Plaintiff : Dr.Y.A.Devpal and another

-V/s-

Defendants : Dr.L.Amarnath and others others

I.A. No.1

Applicant : Dr.Y.A.Devpal

--- 1st Plaintiff

-V/s-

Opponents : Dr.L.Amarnath and others others

--- Defendants

Provision under which the applications are filed	U/o 39 R-1 and 2 of C.P.C.
Relief sought for	Injunction
The date on which the application are filed	02.09.2025
Number of the application	1
Date on which the objections are filed by the different opponents	13.10.2025
Date on which the order is passed	01.12.2025

ORDER ON IA NO.1 FILED U/O 39 R-1 AND 2 OF C.P.C

The present application is filed by the 1st plaintiff under Order 39 Rules 1 and 2 of C.P.C. seeking an order of temporary injunction, restraining and preventing the defendant No.1 to 16 from accepting, adopting or formulating any new projects and to prevent them from indulging or engaging in any financial transactions with the 3rd parties in relation to the Vasavi Educational Institution except for routine, regular and day-to-day activities and functionaries of the institution until the final disposal of the suit.

2. According to the plaintiffs, Plaintiff No.1 is the Member-Secretary of the Vasavi Education Institutions and Plaintiff No.2 is its President. The institution was established in the year 1990 and is duly registered under the Karnataka Co-operative Societies Act 1960, bearing Registration No.118/1990. The institution functions in K.R.Nagara Taluk and runs two schools offering and imparting education from 1st Standard to 10th Standard. The plaintiffs state that, the institution has a longstanding reputations for imparting quality education and has earned considerable goodwill and reputation in the region.

3. The plaintiffs aver that, in compliance with the order passed by this Court in O.S. No.213/2023, a General Body Meeting of all bona fide members was convened on 06.07.2023. In the said meeting, conducted in accordance with the institution's by-laws, Plaintiff No.1 was elected as Secretary and Plaintiff No.2 as President, along with other office-bearers for the proper

administration and development of the institution. The proceedings and election report were thereafter submitted to the 17th defendant for approval and further action.

4. The plaintiffs contend that, despite lacking quorum and the required number of bona-fide members, Defendant No.1 and Defendant No.16 have been falsely projecting themselves as the President and Secretary of the institution. They are alleged to have acted in complete violation of the by-laws, fabricated membership lists, enlisted persons who are not genuine members, and submitted a parallel report to Defendant No.17 with an intention to mislead the authorities.

5. Challenging these alleged illegal acts including the validity of the defendants' claimed membership, their purported election, and the constitution of their committee the plaintiffs have already instituted O.S. No.325/2023, which is presently pending before this Court for adjudication.

6. The plaintiffs further contend that, while the defendants were falsely claiming to be office-bearers, the plaintiffs, being the duly elected committee, submitted the annual audit and financial statements to the 17th defendant. However, the defendants simultaneously submitted another set of audit and financial reports under the guise of an alternative committee. Receiving two conflicting reports, the 17th defendant issued notices to both sides. The plaintiffs appeared and produced all relevant documents in support of their lawful election. Nevertheless, the

17th defendant, without following mandatory statutory procedure, arbitrarily accepted the defendants' report and committee as valid.

7. Aggrieved, the plaintiffs filed a writ petition before the Hon'ble High Court of Karnataka challenging the validity of the said order dated 08.11.2023. The Hon'ble High Court, after hearing both parties, set aside the order and directed the 17th defendant to reconsider the matter afresh after providing both sides an opportunity to submit additional documents. The Hon'ble High Court further directed that, the exercise be completed within eight weeks of the submission of its order. As the 17th defendant failed to comply with the Hon'ble High Court's directions and did not afford the plaintiffs any opportunity to present their documents, the plaintiffs were again compelled to file W.P. No.26175/2024. Further the Hon'ble High Court, on consideration, specifically directed the 17th defendant to provide a fair and adequate opportunity of hearing and thereafter pass a reasoned order in accordance with law.

8. The plaintiffs assert that, despite these explicit directions, the 17th defendant once again failed to provide an opportunity of hearing, refused to accept the plaintiffs' documents, and instead relied upon allegedly concocted and fabricated documents produced by the defendants. According to the plaintiffs, this conduct is in gross violation of the principles of natural justice and the directions of the Hon'ble High Court. Owing to the defendants' alleged illegal actions, the plaintiffs lodged a criminal

complaint. After investigation, the Investigating Officer filed a charge-sheet before this Court, resulting in cognizance and registration of C.C. No.741/2023.

9. The plaintiffs further allege that, in order to evade legal consequences arising out of the criminal proceedings, the defendants, in collusion with the 17th defendant, have continued to fabricate documents and manipulate records. Therefore, in order to protect the institution, its reputation, and its lawful administration from the ongoing interference, fabrication of records, and manipulation by the defendants, the present suit has been filed. The plaintiffs submit that, unless the defendants are restrained by an order of this Court, they will continue to indulge in acts detrimental to the institution's functioning, goodwill and integrity.

10. Accordingly, the plaintiffs seek an order restraining the defendants from accepting, adopting, or formulating any new projects, and from engaging in any financial transactions with third parties concerning the Vasavi Education Institutions, except routine day-to-day activities essential for its smooth functioning, until the disposal of the suit.

11. On the contrary, the defendants have filed detailed objections disputing the plaintiffs' claims in their entirety. They assert that they are the genuine and lawful members of the Vasavi Education Institutions, which, according to them, was established in the year 1989. At its inception, one Y.S.Srinivas

was the President, Dhuli Satyanarayana was the Secretary, and there were 15 Directors.

12. The defendants state that, in the year 2004, they were entrusted with the management and administration of the institution. Before they assumed charge, Plaintiff No.1, Y.A.Devapal, was functioning as Secretary. They allege that during his tenure, Plaintiff No.1 mismanaged the institution, failed to comply with the by-laws, acted contrary to the welfare of the institution, and disregarded the decisions of the Directors. It is further alleged that, he failed to properly utilize a sanctioned fund of Rs.25 lakhs granted by the MLC and neglected statutory obligations such as ESI and PF remittances. Owing to these lapses, the defendants state that, Plaintiff No.1 was lawfully removed after due procedure, and thereafter all administrative functions were taken over by the present defendants.

13. The defendants contend that, since assuming charge, they have been managing the institution diligently and in accordance with law, ensuring its growth and reputation. They maintain that under their administration, the institution has achieved 100% results and is planning expansion of educational facilities to rural and backward areas.

14. According to the defendants, following his removal, Plaintiff No.1 suppressed material facts and made false allegations against them, leading to registration of a criminal case on his complaint. They also allege that Plaintiff No.1 circulated

photographs, FIR copies, and defamatory content through social media platforms such as WhatsApp and Facebook, damaging the reputation of the institution and its office-bearers. They assert that these acts caused monetary loss estimated at Rs.50 lakhs and that they have filed a PCR alleging defamation under Section 499 IPC, which is presently pending.

15. The defendants submit that, their committee has been duly recognized by the 16th and 17th defendants, including the District Registrar, and that they were elected in a lawful General Body Meeting conducted with full quorum. They further state that, in the criminal proceedings registered against them, the Hon'ble High Court has granted a stay order. They contend that, the plaintiffs have already filed O.S. No.325/2023 seeking similar reliefs, and therefore the present suit is barred, parallel, and not maintainable. The defendants assert that the present application has been filed only to obstruct their lawful discharge of duties. They further submit that restraining them would adversely affect the students and hinder the functioning of the institution. Thus, the defendants pray that the present application be dismissed in limine as not maintainable, illegal, and devoid of merit.

16. Heard on the application filed by the plaintiff/applicant and the arguments advanced by the learned counsel for both parties.

17. The following points arise for this court's consideration in the present application.

1) Whether the applicant/plaintiff made out that, they have got a prima-facie case on hand?

2) Whether the applicant further made out that, the balance of convenience lies in their favour?

3) Whether the applicant further made out that, it will cause untold hardship and irreparable damages to them, if the present application is not allowed?

4) What order?

18. This court findings on the above points for consideration in both applications are as under:

Point No.1 : In the Negative

Point No.2 : In the Negative

Point No.3 : In the Negative

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

REASONS

19. POINT NO.1 TO 3:

For the facts and circumstance of the application are concern these three points are interlinked and to avoid the repetition of facts these points are taken up together for common discussion.

20. Upon appreciating the pleadings along with the materials placed before this court, while adjudicating and deciding the application which is filed U/o 39 R-1 and 2 of C.P.C., the

relevant factors to be considered by the court is regarding existence of prima-facie factors and case which involves finding of facts as to whether a case for trial is made out and also whether other factors requisite for grant of injunction exists. Further, the court has to consider the balance of convenience in respect of the parties and irreparable injuries or loss if any, that may be suffered by the plaintiff in the case of refusal to grant injunction.

21. Further, admittedly there is no evidence on record to consider the applications on the basis of the evidence. Further, the parties to the suit are yet to lead their evidence. Accordingly, in the absence of any evidence to discuss the applications, this court has to consider only the available materials which are presented before this court by the respective parties to the suit.

22. The plaintiffs contend that, they are the duly elected Secretary and President of the institution and that the defendants are falsely projecting themselves as office-bearers, fabricating documents, and interfering with the administration of the institution. It is their contention that, various proceedings before the 17th defendant District Registrar were conducted contrary to law, and that writ petitions were filed before the Hon'ble High Court of Karnataka challenging the orders passed therein.

23. It is also not in dispute that, the plaintiffs themselves have instituted a comprehensive earlier suit in O.S. No.325/2023,

wherein the validity of the election of the defendants, the legality of the rival committees, and the recognition accorded by the Registrar are all under challenge. The said suit is stated to be pending adjudication.

24. The present suit and the present application substantially seek identical restraining orders that are already the subject of adjudication in the earlier suit. The core dispute between the parties pertains to title to office, validity of elections, rival committees, and administration of the society all of which are matters requiring detailed evidence and cannot be decided merely in an interlocutory proceeding.

25. Further, the defendants have produced materials to show that, they have been managing the institution since 2004, their committee has been recognized by the statutory authorities including Defendant Nos.16 and 17, the criminal proceedings initiated against them are presently stayed by the Hon'ble High Court, and they were elected in a meeting that, according to them, had full quorum and strength. These materials, at this interlocutory stage, create a serious cloud of disputed facts. Where facts are highly contested, the Court must be slow in granting temporary injunctions that disturb the existing administrative setup of an educational institution.

26. The plaintiffs have thus failed to demonstrate a clear and undisputed prima facie case in their favour, especially when rival claims to office, recognition by statutory authorities, and parallel

suits are pending. Injunction cannot be granted merely on allegations, particularly when serious factual disputes require trial.

27. The plaintiffs contend that, unless the defendants are restrained, they may undertake new projects and financial transactions that may harm the institution. However, the plaintiffs have not produced any concrete material to show that, the defendants are misappropriating funds, they are indulging in acts which is detrimental to students, or any irreversible damage is likely to be caused. A mere assertion of possible harm, without tangible evidence, does not constitute irreparable injury.

28. On the contrary, the defendants have established that they are in management for several years, and that restraining them abruptly would seriously affect ongoing educational activities, cause administrative vacuum, and disrupt the academic calendar, clearly impacting students. Thus, the plaintiffs have not shown that they alone will suffer irreparable injury. The mere pendency of disputes cannot operate as a ground to paralyze the administration of an educational institution.

29. The institution runs two schools from 1st Standard to 10th Standard. The defendants are admittedly in actual physical control and administration of the institution as of now. Granting an injunction at this stage would halt ongoing projects, obstruct routine administrative and financial decisions, disrupt essential functioning and directly impact hundreds of students and staff.

The balance of convenience, in matters concerning educational institutions, must lean and fallow in favour of continuity of administration rather than disruption. Moreover, as already noted a prior suit on identical issues is pending, the validity of rival committees is yet to be adjudicated, the competent statutory authority has recognized the defendants' committee though disputed, and the criminal case relied upon by the plaintiffs is stayed.

30. In such circumstances, granting the relief sought by the plaintiffs would virtually amount to granting a mandatory injunction, disturbing the status quo and interfering with long-standing administration, which is impermissible at an interlocutory stage. Thus, the balance of convenience is not in favour of the plaintiffs. Hence, the application deserves to be dismissed. Hence the **point No.1 to 3 are answered in the Negative.**

31. POINT NO.4:

In view of the above discussions and the reasons mentioned therein this court proceeds to pass the following:-

ORDER

The application filed by the plaintiffs
U/o 39 R-1 and 2 of CPC is hereby
dismissed.

However, it is clarified that, the defendants shall conduct the administration strictly in accordance with the by-laws and applicable statutory provisions this Court has not expressed any opinion on the merits of the rival claims to office, which shall be adjudicated in the main suit and all contentions of both parties are kept open for final adjudication.

No order as to cost.

[Dictated to the Steno, transcribed by her. Corrected and then pronounced by me in the Open Court on this the 01st day of December 2025]

(Chandan.S)
Prl. Civil Judge & JMFC.,
K.R.Nagar.