

KAMS410020882025



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

PRESENT

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

DATED 02ND DAY OF JUNE 2026

O.S. No.457/2025

Plaintiff :

1. Dr.Y.A.Devpal
S/o Late.Y.S.Ashwathnarayana,
Aged about 67 years,
Secretary, Vasavi Education Trust,
Bazar Road, K.R.Nagar Town,
Mysuru District.
2. B.A.Sathish
S/o Late.Achaiah Guptha.B.K.
Aged about 68 years,
Chairman, Vasavi Education Trust,
Bazar Road, K.R.Nagar Town,
Mysuru District.

(Rep. By Sri. Ganesha., Advocate)

V/s

Defendants:

1. Dr. L.Amarnath
S/o P.Lakshminarayana Shetty,
Aged about 65 years,
Self declare Chairman,
Vasavi Education Trust,
Bazar Road, K.R.Nagar Town,
Mysuru District.

2. Sri.Raghavendra.B.C.
S/o B.K.Chandraguptha,
Aged about 50 years,
Self declare deputy chairman
Vasavi Education Trust,
Bazar Road, K.R.Nagar Town,
Mysuru District.
3. Smt.Sunitha Amarnath,
W/o Dr.L.Amarnatha,
Aged about 58 years,
Self declare director,
Vasavi Education Trust,
Bazar Road, K.R.Nagar Town,
Mysuru District.
4. Sri.Sathish.K.G.
S/o K.C.Gopalakrishna Shetty,
Aged about 52 years,
Self declare Secretary,
Vasavi Education Trust,
Bazar Road, K.R.Nagar Town,
Mysuru District.
5. Sri.Prasannaguptha.K.
S/o K.V.Krishnashetty,
Aged about 60 years,
Self declare Treasurer,
Vasavi Education Trust,
Bazar Road, K.R.Nagar Town,
Mysuru District.
6. Sri.P.R.Vishwanath Shetty,
S/o P.S.Rajagopalashetty,
Aged about 74 years,
Self declare Director,
Vasavi Education Trust,
Bazar Road, K.R.Nagar Town,
Mysuru District.

7. Smt.Jyothi.S.Murthy,
S/o Madashetty Adhinarayana,
Aged about 59 years,
Self declare conductor,
Vasavi Education Trust,
Bazar Road, K.R.Nagar Town,
Mysuru District.
8. Sri.Y.S.Kumar,
S/o Y.S.Srinivas,
Aged about 54 years,
Self declare Director,
Vasavi Education Trust,
Bazar Road, K.R.Nagar Town,
Mysuru District.
9. Sri.K.G.Ganesh Raju,
S/o K.C.Gopalakrishnashetty,
Aged about 54 years,
Self declare Director,
Vasavi Education Trust,
Bazar Road, K.R.Nagar Town,
Mysuru District.
10. Sri.Y.J.Arun S/o Y.S.Jayakanthashetty,
Aged about 52 years,
Self declare Director,
Vasavi Education Trust,
Bazar Road, K.R.Nagar Town,
Mysuru District.
11. Sri.Y.S.Girish
S/o Y.S.Sathyanarayana,
Aged about 51 years,
Self declare Director,
Vasavi Education Trust,
Bazar Road, K.R.Nagar Town,
Mysuru District.
12. Y.J.Rajesh S/o Late.Y.S.Jayakantha,

Aged about 49 years,
Self declare Director,
Vasavi Education Trust,
Bazar Road, K.R.Nagar Town,
Mysuru District.

13. Smt.Y.V.Sarala,
D/o Y.G.Venkatesh,
Aged about 62 years,
Self declare Director,
Vasavi Education Trust,
Bazar Road, K.R.Nagar Town,
Mysuru District.
14. Smt. Sri Lakshmi,
D/o Ramakrishnashetty,
Aged about 65 years,
Self declare Director,
Vasavi Education Trust,
Bazar Road, K.R.Nagar Town,
Mysuru District.
15. Sri.Dooli Manjunath Babu,
S/o Dooli Sathyanarayana,
Aged about 62 years,
Self declare Director,
Vasavi Education Trust,
Bazar Road, K.R.Nagar Town,
Mysuru District.
16. Sri.K.V.Manjunath Guptha,
S/o Venkatadri,
Aged about 72 years,
Self declare Director,
Vasavi Education Trust,
Bazar Road, K.R.Nagar Town,
Mysuru District.
17. District Registrars of Societies
and Deputy Registrars of Cooperative

Societies, Mysuru Sub Division,
Mysuru.

**(D1 to 7, 9, 11 to 13 and 15
Rep. By Sri. M.R.A., Advocate)**

ORDERS ON PRELIMINARY ISSUE NO.5

This Court has framed issue No.5 on 03.03.2026 and treated the Issue No.5 as Preliminary Issue. Issue No.5 is as under:

**1. Whether the suit is not maintainable
for want of proper cause of action as
stated in the written statement?**

2. The said issue has been set down for preliminary consideration prior to adjudication of the remaining issues framed in the suit.

3. It is the case of the plaintiffs that, they are in lawful, valid, and bona fide administration and management of the Vasavi Education Institute. According to the plaintiffs, the inquiry report submitted by the 17th defendant dated 18.10.2024 is illegal, arbitrary, frivolous, and contrary to law. It is further contended that the defendants, who according to the plaintiffs are strangers and unauthorized persons in relation to the affairs of the institution, are interfering with and obstructing the lawful administration and management of the educational institution.

4. The plaintiffs further contend that, they are in peaceful custody, possession, management, and enjoyment of the administration of the said institution and that the defendants are causing interruptions, disruptions, disturbances, commotions, and interference in the day-to-day affairs and administration of the institution. According to the plaintiffs, despite repeated requests, appeals, and demands made to the defendants not to interfere with the administration of the institution, the defendants continued their alleged acts of interference and obstruction. Hence, according to the plaintiffs, the cause of action arose on 18.10.2024, being the date of the inquiry report, and on subsequent dates when interference was allegedly caused by the defendants. Therefore, the plaintiffs instituted the present suit seeking declaratory reliefs and consequential relief of permanent injunction restraining the defendants from interfering with the administration and affairs of the Vatsavi Education Institute.

5. On the contrary, the defendants entered appearance and filed their written statement denying, disputing, repudiating, and controverting the averments made in the plaint. The defendants specifically contend that the plaint does not disclose any real, valid, or enforceable cause of action and therefore the suit itself is not maintainable in

law. On such contention, the present Issue No.3 has been taken up for preliminary adjudication.

6. Heard the arguments on both sides and perused the pleadings and materials available on record.

7. At this stage, it is relevant to note that while considering the question regarding existence of cause of action, the Court is required to examine only the averments made in the plaint and not the defence raised in the written statement. The plaint averments are to be taken as they stand for the limited purpose of deciding whether the plaint discloses a cause of action enabling the plaintiffs to seek adjudication before the Court.

8. In the present case, the plaintiffs have specifically pleaded that they are in lawful administration of the institution, that the inquiry report dated 18.10.2024 issued by the 17th defendant is illegal, and that the defendants are interfering with the administration and functioning of the institution. The plaintiffs have also specifically pleaded the dates and circumstances under which the alleged interference took place and the manner in which their rights are allegedly infringed. The relief sought in the suit is founded upon such assertions.

9. Whether the plaintiffs are actually entitled to the reliefs claimed, whether the defendants have authority to interfere with the affairs of the institution, and whether the inquiry report is lawful or otherwise are all matters requiring full-fledged trial and appreciation of oral and documentary evidence. Such disputed questions cannot be conclusively adjudicated while deciding a preliminary issue regarding maintainability of suit for want of cause of action.

10. The plaint, on its plain reading, discloses a bundle of facts which, if proved, would entitle the plaintiffs to seek the reliefs claimed in the suit. Hence, it cannot be said at this stage that the suit is devoid of cause of action or that the suit is not maintainable in law. Accordingly, this Court is of the considered opinion that the defendants have failed to establish that the suit is liable to be rejected or dismissed for want of proper cause of action. Therefore, for all these reasons as discussed above, the preliminary issue framed by this court is answered in the **Negative** and this court proceeds to pass the following:

ORDER

Issue No.5 is answered in the Negative.

Accordingly, the suit is held maintainable.

The plaintiff is permitted to lead evidence in
respect of the remaining issues.

(Dictated to the Stenographer transcribed by her, revised, corrected, signed and then pronounced
by me in the open Court on this the 02nd day of June 2026)

(Chandan.S)
Prl. Civil Judge and JMFC,
K.R.Nagara.