

IN THE COURT OF THE SUB JUDGE, CHENGANNUR

Present: Smt. Veena.V.S, Sub Judge

Wednesday, 13th August 2025 /22nd Sravana 1947

IA No.1/2025 in OS No.21/2025

(Filed on:25.07.2025)

- Plaintiffs/Petitioners :-**
1. P.J. Prathapan,
Sree Nandanam, Parackal Muri,
Karackadu, Mulakkuzha Village,
Chengannoor Taluk,
Alappuzha District.
 2. Babu.K.K,
Kailathu Melethil House,
Karackadu Muri, Mulakkuzha Village,
Chengannoor Taluk, Alappuzha District
(The plaintiff are suing also as
representatives of all memebers of Sree
Narayana Dharma Sevasangam Trust Reg
No. 185/03, Parackal, Karakkadu)

(By Adv.Suresh Mathai)

- Defendant/Cr.Petitioner :-**
- K.N.Bhadran,
Kulathinte Vadakkethil House,
Karackadu Muri, Mulakkuzha Village,
Chengannoor Taluk, Alappuzha District
President, Sreenarayana Dharma
Sevasangam Trust, Reg.No. 185/03,
Parackal, Karakkadu – 689 504, a Society
registered under the Travancore Cochin
Literary, Charitable and Scientific Societies
Act, 1955

(By Adv.P.K.Ajithkumar)

This Petition having been finally heard on 05.08.2025 and this court on 13.08.2025 passed the following

ORDER

The petition is filed under Order XXXIX Rule 1 CPC.

Petition averments in brief are as follows.

2. The petitioners are the plaintiffs in the above suit. The suit is for declaration and consequential injunction. The petitioners are the members of the Sree Narayana Dharma Seva Sangham Trust Registered No. 185/2003 which is a society registered under the Travancore Cochin Literary, Scientific and Charitable Society Act 1955. The said society can sue and be sued in the name of its president as per the bye law. The plaint schedule property was gifted to the 1st defendant sangham by one Sankaran Sreedharan by virtue of a Gift Deed vide No. 1443/1986 with the stipulation that the said property and building therein shall be utilized for the betterment of the said seva sangham to propagate the teachings of Sree Narayana Guru and to impart religious and moral education to students from poor background based on the teachings of Sree Narayana Guru. Thereby the suit property became a trust property in the nature of a public religious and charitable trust. The suit property and the building therein is being administered and managed by the society since 2003 and it has its own bye laws

for administering its affairs. The petitioners came to know that the office bearers of the society including its President issued a public notice inviting bids from prospective purchasers interested in purchasing the suit property and the building therein. The suit property is the trust property in the nature of a public religious and charitable trust and therefore the said property is neither heritable nor alienable. The General Body of the society has not taken any decision to sell the suit property. The proposed sale of the suit property is intended to make unlawful gains to the present office bearers of the society. The office bearers have manipulated records of the General Body Meeting minutes. So it is highly necessary to restrain the said society and its office bearers from selling or alienating the suit property by an order of temporary injunction.

3. The respondent filed objection by contending that the petition is not maintainable either in law or on facts. If the petitioners have a contention that plaint schedule property is a trust property, the plaintiffs ought to have obtain the permission of the court as per Sec. 92 (1) CPC before instituting the suit and the injunction petition. The petitioners and their men, majority of the members of the Sree Narayana Dharma Seva Sangham supports the society. Even though the sale of the plaint schedule property was under the discussion of a General Body convened on 06-07-2025, the petitioners were not present in the said meeting and thereby they are unaware of the real facts. It is utter false that the plaint schedule property is not alienable. The decision was taken in the General

Body on 06-07-2025 after obtaining the sanction from the majority in the General Body. The sale was for purchasing another property situated in more convenient place. It is utter false that the society acquired title over the plaint schedule property as per the Gift Deed vide No. 1443/86 only. The executant of the said gift deed has only 1/3rd right over the plaint schedule property. The 2/3rd portion of the plaint schedule property was acquired as per the Sale Deed vide No. 1455/1986. The petitioners suppressed the material facts. The decision to sell the plaint schedule property was taken as per the provisions of the bye law. The petitioners have no cause of action against the respondent/defendant. The petitioners filed without any bonafide hence the petition may be dismissed.

4. From the above petition averments and contentions in the objection the following points were raised for consideration.

1. Whether the petitioner is entitled to get an order of temporary prohibitory injunction as prayed for?

2. Relief and costs?

5. From the side of the petitioner Exbt. A1 to A3 documents were marked. From the side of the respondents Exbt. B1 to B24 documents were marked. Heard both sides. Perused the records.

Point Nos. 1 and 2:-

6. The petitioners are the plaintiffs in the above suit which is for declaration and consequential permanent prohibitory injunction. Along with the

suit they filed the temporary injunction petition with a prayer to restrain the defendant society and its office bearers from effecting sale of the plaint schedule property and from otherwise alienating the same till the disposal of the suit. But on going through the temporary injunction petition and the plaint it can be seen that the defendant is not a society. The society and its office bearers as mentioned in the petition and its prayer portion were not even arrayed as the respondents in the injunction petition even though the injunction order was sought against them. The respondent/defendant in the temporary injunction petition and in the plaint is one K.N Bhadrans President Sree Narayana Dharma Seva Sangham Trust Registered No. 185/2003. He was not impleaded either in the suit or in the petition in a representative capacity for representing Sree Narayana Dharma Seva Sangham Trust by showing the said sangham in the party array. It is true that the respondent is the president of the said sangham and as per Exbt. A2 bye law of the said sangham, he has the authority to represent the said sangham in suits pending before the court. But without impleading the said sangham, he cannot contest for the said sangham in his personal capacity. It is relevant to note that the property of the said sangham is the subject matter of the suit and the interim injunction relief is sought against the said sangham and its office bearers. Since the said sangham and its office bearers are the necessary parties, no executable order can be passed against them in the injunction petition. So I hold that the petition is bad by non joinder of necessary parties and the injunction reliefs

sought against the society and its office bearers without impleading them is not at all allowable.

7. The petitioners alleged that the plaint schedule property is a trust property in the nature of a public religious and charitable trust. The respondent contended that it is mere a society registered under the Travancore Cochin Literary, Scientific and Charitable Societies Act, 1955. Exbt. B1 document negated the said contention and it shows that Sree Narayana Dharma Seva Sangham subsequently registered as a trust bearing No. 185/2003 and the revenue records produced from the side of the respondent also substantiate the same. The facts such as whether the trust is a public and the reliefs sought for in the plaint and issues involved in the suits fall within the ambit of Sec. 92 of CPC and whether the prior sanction of court U/S. 92 CPC is necessary are the suit related issues which need not be adjudicated while disposing interlocutory applications in the suit. The said issues can be adjudicated separately.

8. The version of the petitioners is that the Sree Narayana Dharma Seva Sangham Trust acquired property as per Exbt. A1 gift deed. But on going through the said gift deed it can be seen that the executant had only 1/3rd right over the plaint schedule proeprty and to that extent was transferred to Sree Narayana Dharma Seva Sangham. The learned counsel for the respondent argued that the petitioners suppressed the material facts and Sree Narayana Dharma Seva Sangham acquired absolute right over the plaint schedule property as per Exbt.

B21 sale deed and thereby the remaining 2/3rd right was transferred by the co-owners in favour of Sree Narayana Dharma Seva Sangham. The petitioners did not challenge Exbt. B21 sale deed. However, it is an admitted fact that the plaint schedule property now absolutely belongs to Sree Narayana Dharma Seva Sangham which is governed by Exbt. A2 bye law.

9. In the petition the plaintiffs/petitioners alleged that the suit property is the trust property in the nature of a public religious and charitable trust and therefore the said property is neither heritable nor alienable. But the office bearers of the society have manipulated records of the General Body Meeting minutes and attempted to alienate the same without obtaining the sanction of the General Body of the society. The respondent contended that Sree Narayana Dharma Seva Sangham Trust is governed by its own bye law and the sale proceedings are in progress by complying the provisions of bye laws.

10. The petitioners in the injunction petition also admitted that the administration of the Sree Narayana Dharma Seva Sangham Society has been as per the provisions of Exbt. A2 bye law. As per Article 13 of Exbt. A2 bye law the president of the said trust can sell the properties of the society after obtaining the prior sanction from the General Body. The learned counsel for the petitioners argued that the General Body of the said society was not taken any decision to sell the plaint schedule property and the office bearers of the society manipulated records of the General Body Meeting minutes. The respondent

negated the same and contended that the decision for selling the plaint schedule property was taken after obtaining the sanction from the General Body and the proposed sale is with the intention to purchase more convenient property lying adjacent to the other properties of the society and the sale proceedings are in progress. So as to substantiate the said contentions and to prove the transparency in the sale, the respondent produced the public notice issued to the members of Sree Narayana Dharma Seva Sangham Trust for the General Body Meeting to be convened on 06-07-2025 and marked as Exbt. B4. In the said notice the factum of discussion on the sale of the plaint schedule property was included in the agenda. They have produced the minutes book of Sree Narayana Dharma Seva Sangham Trust registered No. 185/2003 which was marked as Exbt. B19. On perusal of the same it can be seen that the sale of the plaint schedule property for the purpose of purchasing another convenient property adjacent to the property of the said sangham was discussed in the General Body Meeting convened on 06-07-2025 and the said proposal was sanctioned by the majority of the General Body. The subsequent pages of the said book show that sale proceedings are in progress on the basis of the decisions taken by the majority of the General Body. Exbt. B6 is the newspaper containing the advertisement of the sale of the plaint schedule property and Exbt. B7 is the public notice for sale by inviting tenders. The learned counsel for the respondent contended that if injunction is granted it will cause irreparable injury and hardship to the Sree Narayana Dharma Seva

Sangham Trust.

11. On going through the documents produced from both side it made clear that the steps taken by the office bearers of Sree Narayana Dharma Seva Sangham Trust for the sale of plaint schedule property of the said trust was in accordance with the bye law. I do not find any prima facie manipulations in the office records of the Sree Narayana Dharma Seva Sangham Trust or its sale proceedings, even though the petitioners contented that the office bearers manipulated the document. Since there is no prima facie evidence to substantiate the same and genuinity of the documents can be adjudicated during trial, the contention of the petitioners regarding the manipulation of the documents regarding the sale proceedings is not at all sustainable at present especially in the absence of any sufficient reason to doubt the genuinity of the documentary evidence adduced from the side of the respondent. The respondent produced the records showing the transfer of property by the Sree Narayana Dharma Seva Sangham Trust in earlier occasions too as per the bye law. The interference of the court in the administration of the Sree Narayana Dharma Seva Sangham Trust, without properly impleading them in the petition and in the suit, is not found warranted.

12. The petitioners have no prima facie case against the respondent. The petition is bad by non joinder of necessary parties. At this juncture, if the petition is allowed, no executable order can be passed and it will cause irreparable injury

and hardship to the Sree Narayana Dharma Seva Sangham Trust and its administration. Hence the prayer in the petition is not at all allowable.

In the result the petition is dismissed. No order as to costs.

Dictated to the confidential Assistant, transcribed and typed by her, corrected by me and pronounced in Open Court on this the 13th day of August 2025.

Sd/-
Veena. V.S
Sub Judge

Appendix :

Witness from the side of the Petitioner:- NIL

Exhibits from the side of the Petitioner:-

- A1 - 21.05.1986 - Certified copy of Gift deed No. 1443/1986 issued by SRO Chengannur.
- A2 - - Bye law of Sree Narayana Dharma Sevasangam Trust, Reg.No. 185/03.
- A3 - 12.07.2025 - Notice for property sale.

Witness from the side of the Respondent: NIL

Exhibits from the side of the Respondent:-

- B1 - 23.06.2014 - Copy of Sale Deed No. 1249/14 executed between T. N Rajan and M.S Babuji.
- B2 - 23.05.2025 - Sale Deed Number 876/2025.
- B3 - - Bye law of Sree Narayana Dharma Sevasangam Trust, Reg.No. 185/2003.
- B4 - 28.06.2025 - Notice for the General Body Meeting to be convened on 06.07.2025

- B5 - 05.07.2025 - Newspaper containing advertisement of General Body Meeting.
- B6 - 13.07.2025 - Newspaper containing advertisement of sale of the plaint schedule property.
- B7 - - Public notice for sale by inviting tenders.
- B8 - 08.07.2025 - Agreement of property sale.
- B9 - - Annual Report of Sree Narayana Dharma Sevasangam Trust from 01.04.2024 to 31.03.2025.
- B10 - 25.07.2025 - Land tax receipt No.KL04050777011/2025 issued by Village Officer, Mulakkuzha.
- B11 - 05.04.2025 - Land Tax receipt No. KL04050702714/2025 issued by Village Officer, Mulakkuzha
- B12 - 11.04.2025 - Possession Certificate No. 93140013 issued by Village Officer, Mulakkuzha.
- B13 - 20.02.2025 - Thandapper Account No. 8920 issued by Village Officer, Mulakkuzha.
- B14 - - Notice for programme related to 109th Anniversary of visit of Sree Narayana Guru at Parakkal.
- B15 - - Notice for programme related to 110th Anniversary of visit of Sree Narayana Guru at Parakkal.
- B16 - - Site plan of land owned by SNDS Trust Parakkal
- B17 - 17.07.2025 - Copy of cheque issued in favour of SNDS Trust dated 17.07.2025 for 1 Lakh

- B18 - 14.07.2025 - Copy of cheque issued in favour of SNDS Trust Parakkal dated 14.07.2025
- B19 - - Minutes book of Sree Narayana Dharma Seva Sangam Trust Reg No. 185/2003
- B20 - 21.05.1986 - Gift deed No.1442 dtd 21.05.1986.
- B21 - 22.05.1986 - Sale Deed Number 1455 dated 22.05.1986.
- B22 - - List of Name and address of Contributories to purchase property issued by SNDS Trust
- B23 - 30.07.2025 - Receipt of Kaicheet dtd.30.07.2025 issued by Registrar, Alappuzha
- B24 - - Gurusagaram spiritual Family Magazine Volume 6 of February 2025.

Id/-
Sub Judge

//True Copy//

Sub Judge