

IN THE COURT OF THE MUNSIFF OF KUTHUPARAMBA

Present:- Smt. Athira Nair, Munsiff.

Monday, the 8th day of September, 2025/ 17th Bhadra, 1947.

IA No.2/2025 IN OS 169 OF 2025.

Thottathil Ashokan, S/o. Kannan, aged 57 years, agriculture, residing at 'Charvakam', Paduvilayi Amsom, Kuriyod Desom, P. O. Vengad, Pin. 670 612, Thalassery Taluk.]]]]	Petitioner/ Plaintiff
Vs.			
1.	Sree Narayana Samskarika Vedhi Charitable Trust, Kuriyodu, Paduvilayi Amsom, Kuriyodu desom, P. O. Vengad, Pin. 670 612. Rep. by its President, (Manu. T, S/o. Nanu, aged 51 years, Coolie, Alakkandy, Paduvilayi Amsom, Kuriyodu desom, P. O. Vengad, Pin. 670 612.)]]]]]]]]]]	Respondents/ Defendants
2.	The Secretary, Sree Narayana Samskarika Vedhi Charitable Trust, Kuriyodu, Paduvilayi Amsom, Kuriyodu desom, P. O. Vengad, Pin. 670 612. (Mooriyan Vinodan, S/o. Savithri, aged 48 years, Govt. Employee, Paduvilayi Amsom, Kuriyodu desom, P. O. Vengad, Pin. 670 612.)]]]]]]]]	

This petition coming on 26th day of August, 2025 for final hearing before me in the presence of S/Sri. K.V. Pavithran and Jithin. S. Sundaran, Advocates for the Petitioner ; of Sri. E. Sanilkumar, Advocate for the Respondents and having stood over for consideration till this day; the court passed the following:-

ORDER

This is a petition filed under Section 94(2) of the Code of Civil Procedure 1908.

2. **Petitioner's case**:- The Petitioner is the plaintiff in the original suit. Approximately 24 years ago, an organisation called Sree Narayana Cultural Committee was formed and has been functioning in the Kooriyode area. When the committee began its activities, it had no assets or income of its own. Because of this, the committee could not even secure a loan for building construction. At that time, the current President and Secretary of the first Defendant Trust were involved with the committee. The complainant/petitioner provided the committee with ₹.50,000 (Rupees Fifty Thousand only) to purchase property. They obtained a loan from Vengadu Co-operative Society to build their own premises. The petitioner has always been interested in the activities of the Trust and its predecessor, the Cultural Center, which carried out social welfare activities. The petitioner served as President and Secretary of the committee; approximately 10 years ago, he resigned from the position of Secretary. When he assumed the role of Secretary, he received the original documents of the Trust, and upon resignation, he handed all the documents back. However, in 2014, the petitioner received a notice claiming that the Trust Minutes had not been returned. The petitioner responded, but no further action was taken. On 29.07.2019, Defendant No. 2 issued a notice containing false and baseless allegations. The petitioner replied and issued a counter-notice on 08.08.2019. Subsequently, the defendants were forced to refrain from the further action against the petitioner. Nevertheless, on 03.08.2025, the 2nd defendant served a notice on the petitioner with

entirely unfounded reasons, demanding a response within 7 days. The notice issued by the respondents is unlawful and without validity.

3. As per the notice dated 08.03.2025, it is stated that the petitioner published a statement insulting the Cultural Committee, raised baseless allegations, and a notice was issued to recover costs related to this. However, it is not specified how the petitioner is alleged to have defamed the trust. Therefore, any decision based on the aforementioned notice is invalid in law and does not apply to the petitioner. The allegation against the petitioner is that he hid near the house and listened to discussions when the Trust's governing body met on 02.02.2025, which is false. When the committee was in a meeting, the petitioner went to the blacksmith's house to retrieve his weapon, which he had entrusted for repair. The petitioner heard some attendees making noise, shouting loudly, and causing annoyance to local residents. He told some residents that the office bearers are immature for managing the trust and the behaviour of the advisory committee. The notice mentioned above directed the petitioner to show cause, with any sufficient reason, for not removing him from the membership of the committee. However, the notice is inadequate to justify membership cancellation. A member cannot be expelled for the reasons stated. The persons currently serving as President and Secretary are known to have enmity towards the petitioner. It is evident that the notice was issued with the intent to cancel the petitioner's membership under the influence of the governing body members, motivated by personal enmity. As a result, the petitioner was compelled to file a suit to declare that the notice issued against him on 03.08.2025 is insufficient to revoke his membership. Consequently, this petition seeks a temporary

prohibitory injunction to prevent the respondents from cancelling the petitioner's membership based on the notice dated 08.03.2025 until the case is disposed of.

4. **Respondents' case**: According to the respondents, the suit is not maintainable, and the petition is also not maintainable. The relationship between the petitioner and the Trust has not been good for more than 10 years. The petitioner has not actively participated in any of the Trust's programmes for many years. Many people have informed the Trust regarding the petitioner's acts of defaming the Trust within the community. On several occasions, the petitioner has made defamatory statements against the Trust. The legal decision to remove the wrongdoer from the Trust's membership has been taken by the governing body, and a legal notice was issued on 08.03.2025. Subsequently, the petitioner did not submit any satisfactory reply. Instead, he submitted a reply stating that the Trust's documents needed to be examined before submitting a reply. That was on 19.03.2025. Since the reply was unsatisfactory, the Trust decided to hold a meeting on 23.03.2025 with the agenda regarding the expulsion of the petitioner, and notices were issued to the members on 23.02.2025. The implementation of the decision made at the meeting on 23.03.2025 to expel the petitioner was temporarily suspended. All decisions were taken in accordance with the Trust's by-laws. The petitioner was expelled based on the majority decision of the Trust, with 11 out of 13 members favouring expulsion. Therefore, the suit and the petition are not maintainable. Consequently, the petition is liable to be dismissed.

5. **Evidence:** Exhibits A1 to A10 are marked from the petitioner's side. Exhibits B1 to B18 are marked from the respondents' side.

6. Heard both sides.

7. Points arise for consideration:

1. Whether the petitioner is entitled to a relief of temporary prohibitory injunction as prayed for.

2. Reliefs and cost?

8. **Point Nos. 1 and 2:-** According to the petitioner, a notice was issued by the respondents asking him to show cause why he should not be expelled from the Trust. The copy of the notice issued against the petitioner is produced and marked as Exhibit A6. According to the petitioner, there is no sufficient reason to remove him from the membership of the Trust. Petitioner has produced the Trust Deed copy before the School. The same is marked as Exhibit A1 for the purpose of this petition. According to Exhibit A1, it is mentioned how to remove a member from the membership. Accordingly, 12 മാസത്തിൽ കൂടുതൽ മാസ വരിസംഖ്യ കുടിശികയാക്കിയിട്ടുള്ള അംഗത്തിന് നോട്ടീസ് കൊടുത്ത് പുറത്താക്കുവാനുള്ള അവകാശം ഭരണസമിതിക്ക് ഉണ്ടായിരിക്കും. ട്രസ്റ്റിന്റെ അടിസ്ഥാന തത്വങ്ങൾക്ക് എതിരായി പ്രവർത്തിക്കുകയും തുടർച്ചയായി 6 ഭരണസമിതി യോഗങ്ങളിലും 3 വാർഷിക പൊതുയോഗങ്ങളിലും ഹാജരാകാതിരുന്നാലോ അത്തരം സാഹചര്യങ്ങളിൽ മതിയായ കാരണം ബോധിപ്പിക്കാത്ത പക്ഷം ട്രസ്റ്റിലെ അംഗങ്ങളെ ഭരണസമിതി അംഗത്വത്തിൽ നിന്നും ട്രസ്റ്റ് അംഗത്വത്തിൽ നിന്നും നീക്കം ചെയ്യുവാൻ ഭരണസമിതിക്ക് അധികാരം ഉണ്ടായിരിക്കും. According to the petitioner,

he has not done anything in violation of the above discussed stipulation. Further, the allegation raised against the petitioner is that he has not returned the Minutes Book and other documents handed over to him while he was the Secretary. But according to the petitioner, he has not received the documents. Earlier, a notice was issued by the Trust seeking to return the alleged documents. But when a reply was issued by the petitioner, the Trust has not proceeded any further in that aspect. In such a case, they cannot take action after several years. The reply notice issued by the petitioner is produced and marked as Exhibit A4. In Exhibit A4, it is clearly mentioned that he has not received those documents and the same was submitted before the general body meeting at that period. Further, it is to be noted that the respondent has not filed any suit or any legal action to get back the alleged document. Further, according to the petitioner, only the advisory committee is entitled to remove any member from the membership. But in the meeting two members were not present in person. But their Proxies were received. There is no provision to receive the Proxy vote to make a decision in the Advisory Committee of the Trust. Hence, the decision of the Advisory Committee to expel the petitioner is illegal. On the other hand, the case of the respondent is that, as the case is with regard to a public Trust. Section 92 of Code of Civil Procedure is applicable. As the leave of the court is not obtained, the suit is not maintainable. Hence, it is liable to be dismissed. Further, the decision to expel the petitioner is taken after a general body meeting. Hence, the decision is legal. When a Trust General Body Meeting is convened and a decision has been taken, the Court is not empowered to intrude in that decision. Hence, the petition is only to be dismissed. This interlocutory

application is filed by the petitioner seeking a temporary injunction restraining the respondents from acting upon the notice of expulsion dated 08.03.2025, pending disposal of the suit.

9. Given the facts, let us examine the relevant forensic principles. The respondent has raised a preliminary objection regarding the maintainability of the suit, arguing that the relief sought falls within the scope of Section 92 of the Code of Civil Procedure, 1908, and that the petitioner should have obtained leave from the court before initiating the suit. After hearing both sides and reviewing the records, this Court finds that the objection is without merit. Section 92 CPC applies solely to suits concerning public trusts of a religious or charitable nature where the relief sought relates to breach of trust, directions for administration, or modification of the trust scheme. The present suit, however, is filed by the petitioner in their personal capacity, seeking a declaration that the notice of expulsion is invalid and requesting consequential reliefs. The suit does not seek any relief related to the administration of the trust, nor is it filed in a representative capacity.

10. The Hon'ble Supreme Court in **R.M. Narayana Chettiar vs. N. Lakshmanan Chettiar** [(1991) 1 SCC 48] has held that suits involving personal rights, such as membership disputes, do not attract the provisions of Section 92 CPC. Similarly, in *Abdur Rahim vs. Barkat Ali* [AIR 1928 PC 16], it was held that Section 92 is not applicable to suits seeking individual reliefs. Accordingly, the suit is maintainable without leave under Section 92 CPC, and the objection raised by the respondent is rejected.

11. The petitioner argues that the notice dated 08.03.2025 is unfounded and issued with malice. He refers to the trust deed (Exhibit A1), which details the procedure for expelling members. The relevant clause states: “Members who default on subscription for more than 12 months, act against the foundational principles of the trust, or fail to attend 6 consecutive committee meetings or 3 annual general meetings without sufficient cause may be removed from membership by the governing body.” The respondents, however, contend that the petitioner has not actively participated in the trust’s activities for over a decade and has made defamatory statements against the trust. They assert that the decision to expel the petitioner was made in accordance with the bylaws and by a majority vote of the governing body.

12. In **Dalpat Kumar v. Prahlad Singh** [(1992) 1 SCC 719], the Supreme Court clarified that for the grant of a temporary injunction, the petitioner must establish: a prima facie case, the balance of convenience in his favour, and that there would be irreparable injury if the injunction is not granted. In the present case, the petitioner has not demonstrated any violation of these conditions. The petitioner has not shown that the balance of convenience lies in his favour, nor that irreparable harm would occur if the injunction is denied. His absence from Trust activities is supported by his affidavit. Furthermore, the petitioner’s claim that proxy votes were improperly accepted is not supported by any provision in the Trust Deed prohibiting such practice. The respondents argue that the decision to expel the petitioner was made at a General Body Meeting by a majority vote (11 out of 13

members). In **Swami Paramatmananda Saraswati v. Ramji Tripathi** [(1974) 3 SCC 178], the Supreme Court held that courts should not interfere with internal decisions of trusts unless there is clear evidence of mala fide intent or violations of statutory provisions. No such violation has been established here. The petitioner's allegations of enmity are speculative and lack documentary support. Whether the act of the respondents in issuing a notice to expel the petitioner from his membership and subsequently removing him breaches the trust deed and the procedures followed must be decided through a full and fair trial. Therefore, this Court is not inclined to allow the petition.

In the result, In view of the above discussion, the petition for temporary prohibitory injunction stands dismissed. No order as to costs.

(Dictated to Adalat-AI, arranged in proper form by Confidential Assistant, corrected and pronounced by me in open court on this day, the 8th day of September 2025).

Sd/-
MUNSIFF

APPENDIX:-

Petitioner's Witness :- Nil.

Petitioner's Exhibits:-

A1.	07-06-2006	Copy of Trust deed of Sree Narayana Samskarika Vedhi Charitable Trust.
A2.	08-12-2005	Written agreement between the Plaintiff and the president and secretary of the trust.
A3.	--	Copy of Account book of the Trust
A4.	22-12-2014	Copy of Notice sent by the Plaintiff to the Chairman.
A5.	28-07-2019	Notice sent by the second defendant to the Plaintiff.

A6.	08-08-2019	Copy of Reply Notice sent by the Plaintiff to the Defendants.
A7.	20-08-2019	Notice sent by the 2 nd Defendant to the Plaintiff.
A8.	08-03-2025	Notice sent by the 2 nd Defendant to the Plaintiff.
A9.	30-06-2025	Copy of Notice sent by the Plaintiff to the Chairman.
A10.	03-07-2025	Notice sent by the 1 st Defendant to the Plaintiff.

Respondent's Witness :- Nil.

Respondent's Exhibits:-

B1.	07-06-2006	Copy of Trust deed of Sree Narayana Samskarika Vedhi Charitable Trust.
B2.	09-12-2012	Copy of the sub-committee's report regarding the resignation letter of Secretary T. Ashokan
B3.	20-11-2013	Letter of gratitude from Ashokan. T, to the Chairman/President of Sree Narayana Samskarika Vedhi.
B4	22-12-2013	Copy of the complaint filed by T Asokan, to the knowledge of the President/Members of Administrative Committee/ Members of the Advisory Committee, Sree Narayana Samskarika Vedhi.
B5.	22-12-2014	Ashokan T's response to the letter sent by the Chairman/Secretary of Sree Narayana Samskarika Vedhi.
B6.	18-11-2018	Letter sent by Asokan T to the Advisory Committee of the Sree Narayana Samskarika Vedhi Trust Governing Body.
B7.	28-07-2019	Copy of the notice sent to Ashokan T by Sree Narayana Samskari Vedi Charitable Trust
B8.	08-08-2019	Copy of the notice sent by Ashokan T to the Secretary, Sree Narayana Samskarika Vedhi.
B9.	20-08-2019	Notice sent to Ashokan T by Sree Narayana Samskarikka Vedi Charitable Trust (original)

B10.	10-11-2024	Copy of the Notice sent to Ashokan. T, by the Chairman, Sree Narayana Samskarika Vedhi.
B11.	12-12-2024	Copy of the receipt.
B12.	--	Copy of the Acknowledgment card.
B13.	08-03-2025	Copy of the Notice regarding the disciplinary action against T Asokan sent by Sree Narayana Samskarika Vedhi.
B14.	08-03-2025	Copy of the receipt.
B15.	08-03-2025	Copy of the Acknowledgment card.
B16.	23-03-2025	Sree Narayana Samskarika Vedhi President /Administrative Committee Members/Advisory Committee Meeting Participants and Decisions.
B17.	16-04-2025	Regarding the disciplinary action against T Asokan of Sree Narayana Samskarika Vedhi.
B18.	08-08-2025	Regarding the suspension of T Asokan from the Sree Narayana Samskarika Vedhi.

Court's Exhibits:- Nil.

Sd/-
MUNSIFF

kps.

**Fair/Copy of Order
IA No. 2/2025 in
OS No. 169 OF 2025.
Dated : 08-09-2025.**