

KABC010215542026



IN THE COURT OF THE XXII ADDL.CITY CIVIL & SESSIONS
JUDGE AT BENGALURU CITY: (CCH.7)

Dated this the 13th August, 2026

Present :-

SRI. NANDEESHA R.P, B.A., LL.B., LLM.,
XXII ADDL. CITY CIVIL & SESSIONS JUDGE,
BANGALORE CITY.

O.S. NO.5218/2026

Plaintiff Sri. B. Sudhakar Shetty

(By Sri. S.M.A., Adv.,)

V/s

Defendants Bunt's Sangha, Bengaluru and Another

(By Sri. T.A, Adv.,)

**ORDER ON I.A. NO.1 FILED BY THE PLAINTIFF UNDER
ORDER XXXIX RULE 1 AND 2 OF CPC**

The Plaintiff has filed this application seeking an order of
Temporary Injunction to restrain the Defendants from
conducting election to elect office bearers and members of

executive committee of Bunt's Sangha Bangalore for the period 2026-2029.

2. In support of this application the Plaintiff has filed affidavit. The averments of the affidavit of the Plaintiff are as follows:

2(a). The Defendants have issued calendar of events on 15.06.2026 to conduct election to elect office bearers and members of executive committee of Bunt's Sangha Bangalore for the period 2026-2029., however provisional list and final voters list are not published as per by-laws. The Plaintiff is a member of Defendant No.1 Sangha since 1994, if the Defendants conduct election without publishing provisional and final list of voters, there is possibilities of ineligible members getting right to vote. This fact has been brought to the notice of the Defendants through a letter, but the Defendant No.2 is proceeding to conduct the election as per calendar of events. The Plaintiff is having prima facie case and balance of convenience in his favour and if Temporary Injunction is not granted he would suffer irreparable injury and hardship.

3. The Defendants have filed objection to the application. The sum and substances of objection statement of the Defendants are as follows:

3(a). The application and the suit are misconceived, the Plaintiff has obtained Injunction by suppressing materials facts known to him. The Defendant No.1 has issued a notice to all members on 26.05.2026 under the subject 'provisional voters' list as on 31.03.2025' intimating that the provisional voters list was available for inspection at the Sangha officer, numbers of eligible voters, to file any objection if any correction within 7 days etc., The notice was issued nearly 3 weeks before the calendar of events dated 15.06.2026 was issued and 82 days before the date of polling. The provisional list was published on 26.05.2026, final list was published on 01.07.2026, between 26.05.2026 and 15.07.2026 there is nearly seven weeks but the Plaintiff has not raised any formal objection. The executive committee approved the election process, the returning officer and a 15 member election screening committee were constituted, an election budget of RS.17,00,000-00 was sanctioned, nomination forms were issued and processed, culminating in a finalized list of eligible candidates for the several posts, only after reached the entire process, the Plaintiff has moved this court and obtained exparte order to halt the election. The amended bye-laws are duly approved by the Special General Body of the Defendant No.1 on 02.05.2026 and same is registered. The allegations of the Plaintiff that non publication of the provisional list and final voters' list is falsified by the notice dated 26.05.2026 and 01.07.2026 both were

issued to all the members well within the timelines. On these grounds the Defendant No.1 prays to reject the application and to vacate the exparte Temporary Injunction.

4. I have heard the arguments of learned counsel for the plaintiff and learned counsel for the defendant No.1.

5. Now, the points that arise for consideration of Court are;

- 1. Whether the Plaintiff is having prima facie case in his favour?*
- 2. Whether the balance of convenience lies in favour of the Plaintiff?*
- 3. Whether the Plaintiff would be put to great hardship and injury if Temporary Injunction is not granted?*
- 4. What order?*

6. My answers to the above points are as under ;

POINT NOs.1 to 3 In the Negative

POINT NO.4 As per the final order, for the following...,

REASONS

7. **Point No.1:-** The Plaintiff has filed this suit to declare that the calendar of events dated 15.06.2026 issued by the Defendants for election of Bunt's Sangha Bangalore is illegal and to issue permanent injunction restraining the Defendant from conducting election to elect office bearers and members of executive committee of Bunt's Sangha Bangalore for the period 2026-2029. Case of the Plaintiff is that he is a member of Bunt's Sangha Bangalore, which is a charitable institution, its activities are governed as per the Karnataka Societies Registration Act. The Defendants are going to conduct the election to elect office bearers and members of executive committee of Bunt's Sangha Bangalore for the period 2026-2029, without following and in contravention of its bye-laws. As per the case of the Plaintiff, the provisional voters' list is required to be published 60 days prior to polling, correction shall be filed within 7 days, final voters list shall be published 45 days before polling, but the Defendants have not followed these rules while conducting the election. The Defendants have contended that they have followed all the rules as per the bye-laws, the Plaintiff has filed the suit by suppressing material facts and documents that are within the knowledge of the Plaintiff.

8. The learned counsel for the plaintiff has argued that the documents produced by the Plaintiff themselves show that the Defendant have not disclosed the provisional voters' list and final voters' list as per the bye-laws, the Plaintiff being a member of the Sangha is a regular visitor the officer, on his visit subsequent to 26.05.2026, he noticed that notices relating to elections were put on the notice board, but not as per the bye laws. On the other hand, the learned counsel for the defendant has argued that they have followed the bye laws in strict sence and in this regard he has produced all the documents before the Court which shows that the Defendants have complied the provisions of bye-laws in conducting the election.

9. It is an admitted fact that the Plaintiff is a member of Defendant No.1 Sangha and the Defendant No.1 is a registered Sangha under the Karnataka Societies Registration Act. It is also an admitted fact that the members of Sangha have selected the Defendant No.2 as an election officer. Bearing in mind the rival contentions, I have gone through the documents produced by both sides and also the bye-laws of the defendant No.1 Sangha. As per the bye-law in respect of election process; (i). election notification shall be issued minimum 45 days prior to the election date (ii). Election vigilance officer shall report if any candidate violets the code of conduct shall report to the returning officer. (iii). Provisional voters list shall be published

60 days prior to polling (iv). Corrections shall be filed within 7 days (v). final voters list shall be published 45 days before polling. The contention of the Plaintiff is that these rules have not been complied. The parties have not disputed calendar of events of election published by the Defendant No.2 who is the returning officer. As per the calendar of events, the date of commencement for filing nomination was 13.07.2026 and it ends on 20.07.2026, scrutiny of the nomination was on 20.07.2026 and date for withdrawing the nomination was on 22.07.2026, pronouncement of final list of candidate was on 22.07.2026, date of election is on 16.08.2026.

10. The first and foremost allegation of the Plaintiff is that provisional voters list and final votes list are not published as per the bye-laws. As per the bye-laws, the provisional voters list shall be published 60 days prior to polling i.e., 60 days prior to 16.08.2026 i.e., before 17.08.2026. The learned counsel for the plaintiff has argued that though the decision was taken in the executive committee meeting held on 12.06.2026 to publish final voters list, it is not stated in the proceedings that the final voters list would be published. But a perusal of copy of the proceedings of executive committee meeting held on 12.06.2026, it clearly states that the members have taken a decision to publish the final voters list in office's notice board. The Plaintiff has contended that final voters list is not

published in notice, but the Defendant No.1 has contended that Sangha has published final voters list. The learned counsel for the defendant No.1 has produced photo copy of the publish made on the notice board of the office, which prima facie show that the provisional voters' list was published on 26.05.2026 ie., 60 days before the date fixed for election. This document also prima facie shows that this photograph was taken in the officer of Defendant No.1 Sangha. In the absence of any contra evidence, at this stage there is no reason to disbelieve this document. In this notice it is also mentioned that as on 31.03.2025, the membership Number up to CL018856 are eligible for voting and if there are any corrections the same should be filed within 7 days from the date of notice. The bye-law has not mandated to publish the voters list in any news paper or media but to publish in notice board of the Sangha.

11. The Defendant No.1 has also filed copy of the letter dated 01.07.2026, which prima facie state that on 01.07.2026 the Defendant No.1 Sangha has published final voters list in the notice board ie., 45 days prior to date fixed for polling stating that the members who require copy of final provisional voter's list can obtain in the office of Sangha. The learned counsel for the plaintiff has argued that on 15.07.2016 the Plaintiff has written a letter to the Election officer ie., Defendant No.2 stating that the provisional voters list and final voters list has not been published as provided by-laws and asked to not to proceed

further with election, though the letter is served on the Defendant No.2, he has not replied to the said letter which shows that the Defendants have not complied the provisions of bye-laws in conducting election. The learned counsel for the defendant has argued that the Plaintiff has not sought for clarification but to stop the election which shows that the intention of the Plaintiff is only to stop the election. It is to be noted that whatever may be the intention of the Plaintiff, the Sangha has to follow its bye-laws in conducting the election. But, when there are prima facie materials on record to show that the defendant No.1 Sangha has complied the bye-laws by publishing provisional voters' list 60 days prior to the date of election and publication of final voters list 45 days prior to the date of election, only on the ground that the election officer has not replied to the letter of Plaintiff, it cannot be said that entire process of election is against to bye-laws.

12. The learned counsel for the plaintiff has relied on decision of Hon'ble High Court of Karnataka rendered in W.P. No.9665/2026. In this decision the Hon'ble High Court of Karnataka has observed that *In the absence of a duly elected committee, any unilateral action more particularly, enrollment of members or preparation of voters' list cannot be left to an unregulated or interested body. It is the returning officer, acting under the supervision of the competent authority, who is required to step in, take custody of the records of the society,*

scrutinize the membership in accordance with the Bye-laws, and prepare a valid electoral roll. Only upon such preparation of lawful voters' list, the next stage of issuing Calendar of Events can be undertaken.' In the case on hand, the allegation of the Plaintiff is that the Defendants have not published provisional voters list and final voters list as mandated in bye laws and it is not the case of the Plaintiff that the committee decided to conduct election is not a duly elected committee or that voters list published is at fault in any manner. Apart from that as per the case of the Plaintiff, the date of cause of action to file the suit arose on *15.06.2026* the date on which calendar of events was issued. But, in prayer column the plaintiff has sought for permanent injunction against the Defendants from conducting the election to elect the officer bearers and members of the executive committee of the Bunt's Sangha for the period 2026-2029 as per the calendar of events dated *15.07.2026*. In fact, no such calendar of events is questioned by the Plaintiff.

13. The learned counsel for the defendant No.1 has relied on decision of the Hon'ble High Court of Karnataka rendered in W.P. No.111564/2017. In that case the petitioner prayed the Hon'ble High Court of Karnataka to quash the calendar of events issued in respect of election to Karnataka Vidya Vaardhaka Sangha, Dharwad. In that decision, the Hon'ble High Court of Karnataka by relying on the decision of the

Hon'ble Supreme Court in the case of Shaji K. Joseph v/s V. Vishwanath and others, reported in (2016) 4 SCC 429, has held that *'...it is well established principle of law, as laid down by the Hon'ble Apex Court as well as this Court in catena of decisions, that whenever the process of election starts, normally the Court should not interfere with the process of the election for the simple reason that if the process of election is interfered with by the Courts, possibly no election would be completed without the Courts order. It is also the settled principle that if the election process is stalled, then the very object of the Constitution is going to be defeated. This proposition of law has been laid down by the Hon'ble Apex Court in the case of Shaji K. Joseph v/s. V.Vishwanath and others reported in (2016) 4 SCC 429 and yet another decision of Pt. Ram Nath Kalia vs. Election Commission of India and another reported in AIR 1957 SC 694.* The gist of this decision of Hon'ble High Court of Karnataka is that unless there is any deviation from procedure, the court cannot interfere with the process of election as it is a symbol of democracy. The principle laid down by the Hon'ble High Court of Karnataka is applicable to the case on hand. In the present case, at this stage this court finds no illegality or violation of bye-laws by the Defendant No.1 Sangha. Thus, there is no prima facie case in favour of the Plaintiff. Accordingly, Point No.1 is answered in the **Negative**.

14. Point Nos.2 and 3:- Coming to the balance of convenience, the case of the plaintiff might appear stronger on the balance of probabilities, but a person who seeks the aid of the court by way of interlocutory injunction must, as a rule, be able to satisfy the court that its interference is necessary to protect him from the species of injury which the court calls irreparable, before the legal right can be establish upon trial. Assuming that the applicant has made out a prima facie case, the question that arises then is, as to the balance of convenience between the parties and the eminent and uncompensatable disadvantage or some irreversible detriment that may result to the applicants by the denial of the relief. As discussed above, the Plaintiff has failed to prima facie show that the process of election and calendar of events is against to or in violation of bye-law of the Defendant No.1 Sangha, if Temporary Injunction is granted the Defendant No.1 Sangha which is education institutions, Kalyana Mantapa etc., and which is having about 18,000 members would be put to inconvenience. On the other hand if Temporary Injunction is not granted no such hardship would be caused to the Plaintiff. If prima facie case is not made out, the question of an order of injunction being granted in favour of person seeking it would amount to doing injustice to the other party. Hence, Point Nos. 2 and 3 are answered in the **Negative**.

15. Point No.4:- For the reasons given and discussion made above, I proceed to pass the following:

ORDER

IA No.I filed by the Plaintiff under Order XXXIX Rule 1 and 2 of Civil Procedure Code is hereby dismissed. No costs.

The exparte order of temporary Injunction passed on 21.07.2026 is hereby vacated.

(Dictated to the stenographer directly on the computer, corrected, signed and then pronounced by me in the open court, on this the 13th August, 2026.)

(NANDEESHA R.P)
XXII Addl. City Civil & Sessions Judge,
Bengaluru City.