



CNR: KAHC010027032020

NC: 2026:KHC:53094
CRP No. 71 of 2020
C/W CRP No. 57 of 2020
CRP No. 58 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

CIVIL REVISION PETITION NO. 71 OF 2020 (SC)

C/W

CIVIL REVISION PETITION NO. 57 OF 2020 (SC)

CIVIL REVISION PETITION NO. 58 OF 2020 (SC)

IN CRP No. 71/2020

BETWEEN:

1. SRI MAHESH RAMDASS
SON OF LATE RAMDASS
AGED ABOUT 50 YEARS,
2. SRI ISHWAR RAMADASS
SON OF LATE RAMDASS
AGED ABOUT 60 YEARS,
3. MRS RANI K
WIFE OF LATE SHANKAR
AGED ABOUT 48 YEARS,
4. MRS POOJA S
DAUGHTER OF LATE SRI SHANKAR
AGED ABOUT 21 YEARS,
5. MASTER HEMANTH KUMAR S
SON OF LATE SRI SHANKAR
AGED ABOUT 15 YEARS,
MINOR REP. BY MOTHER AND
NATURAL GURADIAN MRS RANI.K

NOS. 2 TO 5 ARE REPRESENTED BY
P A HOLDER
MR MAHESH – PETITIONER NO.1

Digitally Signed By:
SACHIN SHANKAR MAGADUM
Verified





CNR: KAHC010027032020

NC: 2026:KHC:53094
CRP No. 71 of 2020
C/W CRP No. 57 of 2020
CRP No. 58 of 2020

RESIDING AT NO.28, SULTANJI GUNTA ROAD
BANGALORE-560051.

...PETITIONERS

(BY SRI. SYED KHAMRUDDIN, ADVOCATE)

AND:

1. SRI UJJNI MAHAKALIAMMAN TEMPEL TRUST
NO.26, 27 28, SULTANJIGUNTA ROAD
BENGALURU-560051
REPRESENTED BY ITS
GENERAL SECRETARY,
SRI D MURALIKRISHNA
SON OF LATE M R DHANAKOTI NAIDU
NO.26, DHANAKOTE LANE
BENGALURU-560051

...RESPONDENT

(BY SRI. M.L. DAYANANDA KUMAR, ADVOCATE)

THIS CRP IS FILED UNDER SEC.18 OF THE KARNATAKA
SMALL CAUSE COURT ACT,1964 AGAINST THE JUDGMENT AND
DECREE DATED 11.10.2019 PASSED IN SC.NO.15178/2017 ON
THE FILE OF THE V ADDL.SMALL CAUSES JUDGE AND XXIV
ACMM COURT OF SMALL CAUSES MAYO HALL UNIT,
BANGALORE ALLOWING THE PETITION SUIT FOR EJECTMENT.

IN CRP NO. 57/2020

BETWEEN:

1. SRI ISHWAR RAMADASS
S/O LATE RAMDASS,
AGED ABOUT 60 YEARS,
R/AT NO.28, SULTANJI GUNTA ROAD,
BENGALURU-560051.

...PETITIONER

(BY SRI. SYED KHAMRUDDIN.,ADVOCATE)



CNR: KAHC010027032020

NC: 2026:KHC:53094
CRP No. 71 of 2020
C/W CRP No. 57 of 2020
CRP No. 58 of 2020

AND:

1. SRI UJJNI MAHAKALIAMMAN TEMPLE TRUST
NO.26, 27, 28 SULTANJIGUNTA ROAD,
BENGALURU-560051,

REPRESENTED BY ITS GENERAL SECRETARY,
SRI. D MURALIKRISHA,
S/O LATE M R DHANAKOTI NAIDU,
NO.26, DHANAKOTE LANE,
BENGALURU-560 051

...RESPONDENT

(BY SRI. M.D. RAGHUNATH AND SRI. PAVANKUMAR,
ADVOCATES)

THIS CRP IS FILED UNDER SEC.18 OF THE KARNATAKA
SMALL CAUSES COURT ACT, AGAINST THE JUDGMENT AND
DECREE DATED 11.10.2019 PASSED IN SC.NO.15176/2017 ON
THE FILE OF THE V ADDL. SENIOR CVIIL JUDGE AND MEMBER
MACT., COURT OF SMALL CAUSES MAY HALL UNIT,
BENGALURU.

IN CRP NO. 58/2020
BETWEEN:

1. MRS RANI K
WIFE OF LATE SRI. SHANKAR
AGED ABOUT 47 YEARS,
2. MRS POOJA S
DAUGHTER OF LATE SRI SHANKAR
AGED ABOUT 21 YEARS,
3. MASTER HEMANTH KUMAR S
SON OF LATE SRI SHANKAR
AGED ABOUT 15 YEARS,
MINOR REP. BY MOTHER AND
NATURAL GURADIAN MRS RANI.K

Digitally Signed By:
SACHIN SHANKAR MAGADUM
Verified



CNR: KAHC010027032020

NC: 2026:KHC:53094
CRP No. 71 of 2020
C/W CRP No. 57 of 2020
CRP No. 58 of 2020

ALL ARE REPRESENTED BY
P A HOLDER, MR MAHESH

ALL ARE RESIDING AT NO.28,
SULTANJI GUNTA ROAD
BANGALORE-560051.

...PETITIONERS

(BY SRI. SYED KHAMRUDDIN, ADVOCATE)

AND:

1. SRI UJJNI MAHAKALIAMMAN TEMPLE TRUST
NO.26, 27, 28, SULTANJIGUNTA ROAD
BENGALURU-560051
REPRESENTED BY ITS
GENERAL SECRETARY,
SRI D MURALIKRISHNA
SON OF LATE M R DHANAKOTI NAIDU
NO.26, DHANAKOTI LANE
BENGALURU-560051

...RESPONDENT

(BY SRI. M.D. RAGHUNATH AND SRI. PAVANKUMAR,
ADVOCATES)

THIS CRP IS FILED UNDER SEC.18 OF THE KARNATAKA
SMALL CAUSE COURT ACT, 1964, AGAINST THE JUDGMENT
AND DECREE DATED 11.10.2019 PASSED IN SC NO 15177/17
ON THE FILE OF THE V ADDITIONAL SMALL CAUSES JUDGE
AND MEMBER, MACT, COURT OF SMALL CAUSES, MAYO HALL
UNIT, BENGALURU ALLOWING THE SUIT FOR EJECTMENT.

THESE PETITIONS, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM



CNR: KAHC010027032020

NC: 2026:KHC:53094
CRP No. 71 of 2020
C/W CRP No. 57 of 2020
CRP No. 58 of 2020

ORAL ORDER

These three Civil Revision Petitions arise out of the orders passed by the learned Small Causes Court directing the petitioners to vacate the premises in question. Since the questions raised in all three petitions are substantially common, they are taken up together and are disposed of by this common judgment.

2. Learned counsel appearing for the petitioners has assailed the orders of eviction principally on four grounds. Firstly, reliance is placed on Section 8 of the Karnataka Small Cause Courts Act, 1964. It is contended that a suit for ejectment, in the circumstances of the present case, could not have been entertained by the Small Causes Court. According to learned counsel, the petitioners have specifically disputed the existence of any relationship of landlord and tenant between the parties. It is urged that no document has been produced by the respondent to establish the alleged jural relationship. Therefore, according to the petitioners, the Small Causes

Digitally Signed By:
SACHIN SHANKAR MAGADUM
Verified



CNR: KAHC010027032020

NC: 2026:KHC:53094
CRP No. 71 of 2020
C/W CRP No. 57 of 2020
CRP No. 58 of 2020

Court could not have assumed jurisdiction merely on the basis of an assertion that the petitioners were tenants.

3. It is further contended that, even assuming for the sake of argument that a jural relationship existed, the remedy available to the respondent would necessarily have to be worked out under the provisions of the applicable Rent Act and not by instituting an ejectment suit before the Small Causes Court.

4. The second limb of the submission is founded on the nature of the petitioners' possession. It is contended that the petitioners have themselves put up construction over the property and have been in lawful possession thereof for a considerable period, much prior to the constitution of the trust in respect of the temple. According to the petitioners, their possession is therefore not referable to any tenancy created by the respondent.

5. On this premise, it is argued that the very foundation of the ejectment suits is absent. It is also



CNR: KAHC010027032020

NC: 2026:KHC:53094
CRP No. 71 of 2020
C/W CRP No. 57 of 2020
CRP No. 58 of 2020

urged that one of the trustees could not have instituted the proceedings without establishing a valid authorization in his favour. Consequently, the orders directing eviction are sought to be characterized as orders passed without jurisdiction.

6. The petitioners' counsel has also contended that where the jural relationship itself is seriously disputed, the determination of such a foundational issue is outside the limited jurisdiction of the Small Causes Court. The Small Causes Court, according to learned counsel, could not have adjudicated upon disputed questions relating to title, possession and the existence of the landlord-tenant relationship and thereafter proceeded to order eviction.

7. Per contra, learned counsel appearing for the respondent-landlord would support the orders under challenge. He has invited the attention of the Court to the proceedings instituted by the present petitioners themselves in O.S. No.5728/2014 and the connected writ



CNR: KAHC010027032020

NC: 2026:KHC:53094
CRP No. 71 of 2020
C/W CRP No. 57 of 2020
CRP No. 58 of 2020

proceedings. Particular reliance is placed upon paragraph Nos.7, 8 and 9 thereof. It is submitted that the pleadings of the petitioners in those proceedings contain categorical and material admissions regarding the constitution of the trust, its management of the temple and the activities undertaken by the trustees.

8. It is particularly submitted that the petitioners have themselves admitted that the trustees were collecting amounts from the occupants. Though the petitioners seek to characterize such amounts as donations, learned counsel for the respondent contends that the same were, in substance, rents being collected by the respondent/trust.

9. Learned counsel for the respondent has further relied upon the orders of eviction passed by the Small Causes Court in similarly situated cases, produced as Exhibits P5, P6 and P7, as well as the certified copy of the registered trust deed, produced as Exhibit P1. According to

Digitally Signed By:
SACHIN SHANKAR MAGADUM
Verified



CNR: KAHC010027032020

NC: 2026:KHC:53094
CRP No. 71 of 2020
C/W CRP No. 57 of 2020
CRP No. 58 of 2020

him, Exhibit P1 makes the position unequivocal. The registered trust deed confers upon the Managing Trustee the authority to institute proceedings and seek appropriate orders before the competent forum. The objection that the trustee lacked authorization is therefore devoid of merit.

10. I have given my anxious consideration to the rival submissions and have perused the orders impugned in these petitions as well as the material placed before this Court.

11. At the outset, one aspect assumes considerable significance. The objection regarding want of jurisdiction of the Small Causes Court, founded upon the alleged absence of a jural relationship between the parties, though pleaded before the Court below in the written statement, the petitioners did not, in their defence before the Small Causes set up independent title and produced rebuttal evidence.

Digitally Signed By:
SACHIN SHANKAR MAGADUM
Verified



CNR: KAHC010027032020

NC: 2026:KHC:53094
CRP No. 71 of 2020
C/W CRP No. 57 of 2020
CRP No. 58 of 2020

12. The question, therefore, is whether the petitioners can, for the first time in these revision proceedings, seek to invalidate the orders of the Small Causes Court by raising a jurisdictional contention founded upon facts which were neither substantiated nor established before the Court below. The answer, on the facts of the present case, must necessarily be in the ***Negative.***

13. The Small Causes Court has not proceeded merely on the *ipse dixit* of the respondent. It has considered the documents placed before it and has recorded a finding that the relationship between the parties stood established. The Court below has, therefore, examined the material available on record and, upon such consideration, concluded that the respondent had established the foundation for maintaining the ejectment proceedings.

Digitally Signed By:
SACHIN SHANKAR MAGADUM
Verified



CNR: KAHC010027032020

NC: 2026:KHC:53094
CRP No. 71 of 2020
C/W CRP No. 57 of 2020
CRP No. 58 of 2020

14. This Court, while exercising revisional jurisdiction, is not expected to substitute its own view merely because another view may conceivably be taken on the same material. Unless the finding is shown to be perverse, based on no evidence, or suffers from a patent illegality or jurisdictional error, interference is not warranted. The contention based upon Section 8 of the Karnataka Small Cause Courts Act, 1964 also does not advance the case of the petitioners in the facts as presented.

15. The petitioners seek to make the disputed nature of the jural relationship itself the basis for ousting the jurisdiction of the Small Causes Court. But such a contention necessarily has to be examined in the context of the pleadings and the material actually placed before the Court below. A mere assertion that no landlord-tenant relationship existed cannot, by itself, retrospectively divest the Small Causes Court of jurisdiction which it exercised

Digitally Signed By:
SACHIN SHANKAR MAGADUM
Verified



CNR: KAHC010027032020

NC: 2026:KHC:53094
CRP No. 71 of 2020
C/W CRP No. 57 of 2020
CRP No. 58 of 2020

upon consideration of the pleadings and evidence before it. More importantly, the petitioners cannot simultaneously rely upon facts and admissions appearing in their own earlier proceedings and disregard the legal effect of those admissions when they seek to challenge the jurisdiction of the Small Causes Court.

16. The proceedings in O.S. No.5728/2014 assume significance in this regard. The pleadings relied upon by the respondent disclose that the petitioners were aware of the constitution and functioning of the trust and its management of the temple. The averments relating to collection of amounts from occupants are also relevant circumstances which the Court below was entitled to take into consideration while examining the nature of the relationship between the parties.

17. Whether those amounts are ultimately characterized as donations or rent is not, by itself, determinative of the present revision petitions. What is

Digitally Signed By:
SACHIN SHANKAR MAGADUM
Verified



CNR: KAHC010027032020

NC: 2026:KHC:53094
CRP No. 71 of 2020
C/W CRP No. 57 of 2020
CRP No. 58 of 2020

material is that the Small Causes Court, after considering the documents and the surrounding circumstances, has recorded a finding regarding the relationship between the parties. That finding has not been demonstrated to be perverse. The challenge founded upon the authority of the trustee to institute the proceedings must also fail.

18. The respondent has placed on record the registered trust deed at Exhibit P1. The petitioners have not been able to demonstrate any provision in the trust deed which disables the Managing Trustee from instituting proceedings for protection or recovery of the trust property. On the contrary, the document, as noticed by the Court below, authorizes the Managing Trustee to approach the competent authority and institute proceedings for obtaining appropriate reliefs. Once the registered instrument itself confers the requisite authority, a bald challenge to the locus of the trustee cannot be sustained in the absence of any contrary material.

Digitally Signed By:
SACHIN SHANKAR MAGADUM
Verified



CNR: KAHC010027032020

NC: 2026:KHC:53094
CRP No. 71 of 2020
C/W CRP No. 57 of 2020
CRP No. 58 of 2020

19. The argument that the petitioners had constructed upon the property and were in possession even prior to the constitution of the trust stands on a different footing. Such a contention, if it were to furnish an independent basis for defeating the claim for eviction, necessarily required a proper factual foundation before the trial Court. The petitioners cannot, in revision, invite this Court to undertake an entirely fresh factual enquiry into the origin, nature and legality of their possession, particularly when such a case was not properly pleaded and established before the Court below.

20. Revisional jurisdiction under Section 115 of the Code of Civil Procedure, 1908 is supervisory in nature and cannot be equated with appellate jurisdiction. This Court, while exercising revisional jurisdiction, would not ordinarily re-appreciate the evidence or substitute its own view for that of the Court below merely because another view is possible. Interference is warranted only when the

Digitally Signed By:
SACHIN SHANKAR MAGADUM
Verified



CNR: KAHC010027032020

NC: 2026:KHC:53094
CRP No. 71 of 2020
C/W CRP No. 57 of 2020
CRP No. 58 of 2020

subordinate Court has exercised a jurisdiction not vested in it by law, failed to exercise jurisdiction so vested, or acted illegally or with material irregularity in the exercise of such jurisdiction. In the present case, the Small Causes Court, on consideration of the pleadings, the documents produced by the parties and the surrounding circumstances, has recorded a finding regarding the nature of the relationship between the parties and has consequently ordered eviction. The petitioners have not been able to demonstrate that the said finding is perverse, is based on no evidence, or is the result of an exercise of jurisdiction not vested in the Small Causes Court. Equally, the registered trust deed at Ex.P1 has been considered by the Court below, and no provision therein has been shown to disable the Managing Trustee from instituting proceedings for protection or recovery of the trust property, rather, the deed contains an enabling provision authorizing the Managing Trustee to approach the competent authority and institute appropriate proceedings.

Digitally Signed By:
SACHIN SHANKAR MAGADUM
Verified



CNR: KAHC010027032020

NC: 2026:KHC:53094
CRP No. 71 of 2020
C/W CRP No. 57 of 2020
CRP No. 58 of 2020

In such circumstances, the finding recorded by the Small Causes Court constitutes a finding of fact which does not warrant interference in exercise of the limited revisional jurisdiction under Section 115 of Code of Civil Procedure, 1908. This Court, therefore, cannot undertake a fresh appreciation of the material on record or disturb the said finding merely because the petitioners seek to place a different interpretation upon the documents and circumstances.

21. It is also necessary to keep in view the distinction between absence of jurisdiction and an erroneous exercise of jurisdiction. If a Court is wholly lacking in jurisdiction, the objection may go to the root of the matter. But where the Court has jurisdiction to entertain the proceeding and, upon consideration of the material, records a finding on the existence of the relationship between the parties, the mere fact that such

Digitally Signed By:
SACHIN SHANKAR MAGADUM
Verified



CNR: KAHC010027032020

NC: 2026:KHC:53094
CRP No. 71 of 2020
C/W CRP No. 57 of 2020
CRP No. 58 of 2020

finding is disputed by one party does not render the resultant order one without jurisdiction.

22. In the present case, the Small Causes Court has considered the material produced before it and has recorded a finding that the relationship necessary for maintaining the ejectment proceedings stood established. No patent error in the exercise of jurisdiction has been demonstrated before this Court.

23. The submission that the petitioners' denial of the jural relationship automatically excluded the jurisdiction of the Small Causes Court is, therefore, too broadly stated. The jurisdiction of a Court cannot be ousted merely by the manner in which a defendant chooses to describe or deny the relationship between the parties. What is relevant is the substance of the pleadings, the nature of the claim, and the material available before the Court. In the present case, the Small Causes Court has considered the material and arrived at a conclusion which



CNR: KAHC010027032020

NC: 2026:KHC:53094
CRP No. 71 of 2020
C/W CRP No. 57 of 2020
CRP No. 58 of 2020

cannot be characterized as either perverse or wholly unsupported by the record.

24. The Small Causes Court has considered the documents produced by the respondent, including the registered trust deed, and has recorded a finding regarding the relationship between the parties. The petitioners have failed to demonstrate that such finding is perverse, suffers from a patent illegality, or is the result of an exercise of jurisdiction not vested in the Court. The challenge to the locus of the trustee is equally without merit in view of the authorization contained in the registered trust deed. Consequently, no jurisdictional error, illegality or perversity is made out warranting interference by this Court in exercise of its revisional jurisdiction.

25. Accordingly, this Court proceeds to pass the following:



CNR: KAHC010027032020

NC: 2026:KHC:53094
CRP No. 71 of 2020
C/W CRP No. 57 of 2020
CRP No. 58 of 2020

ORDER

- (i) The Civil Revision Petitions are ***dismissed***.
- (ii) The order of eviction dated 11.10.2019 passed by the V Additional Small Causes Judge and XXIV A.C.M.M. in S.C.Nos.15176, 15177 and 15178/2017 are hereby ***affirmed***.
- (iii) Pending applications, if any, do not survive for consideration and stand disposed of.

Ordered accordingly.

Digitally Signed By:
SACHIN SHANKAR MAGADUM
Verified

(SACHIN SHANKAR MAGADUM)
JUDGE

ALB

List No.: 1 Sl No.: 35