



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE JAYANT BANERJI

WRIT PETITION NO. 5894 OF 2026 (GM-CPC)

BETWEEN:

SRI.M.S.NANJUNDASWAMY,
SON OF LATE M.SATHYANARAYANA RAO,,
AGED ABOUT 64 YEARS,
RESIDING BEHIND RINGE TELELINKS,
NEAR AUTO STAND, BHEEMANAKONE ROAD, SAGARA-577
401, SHIVAMOGGA DISTRICT.

...PETITIONER

(BY SRI.GOUTAM.R., ADVOCATE FOR
SRI.SAMMITH S., ADVOCATE)

AND:

SHIVAMOGGA JILLA BRAHMANA MAHASABA (REGD),
BY ITS SECRETARY-SRI B.K.VENKATESHMURTHY, SON OF
B.K.KESHAVAMURTHY,
AGED ABOUT 65 YEARS,
HAVING ITS OFFICE AT
BRAMANA VIDYARTHI NILAYA,
B.H.ROAD, SHIVAMOGGA-577 201.

...RESPONDENT

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA PRAYING (A)
TO-CALL FOR THE RECORDS IN O.S.NO.183/2024 FROM THE COURT
OF THE III ADDL. CIVIL JUDGE AND JMFC, SHIVAMOGGA. (B) SET
ASIDE THE ORDER DTD 29.03.2025 PASSED ON IA NO.I IN O.S NO.
183/2024 AS CONTAINED IN ANNEXURE-S AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING,
THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

Digitally
signed by
KAVYA G
Location:
High Court
of
Karnataka



CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI

ORAL ORDER

This petition has been filed seeking the following reliefs:-

- a) Call for the records in O.S.No.183/2024 from the Court of the III Additional Civil Judge & JMFC, Shivamogga;*
- b) Set aside the order dated 29/03/2025 passed on I.A.No.I in O.S.No.183/2024 as contained in Annexure-S;*
- c) Consequently allow I.A.No.I and direct maintenance of status-quo with respect to the petitioner's membership in the respondent organization pending disposal of the suit;*
- d) Pass such other order/s as this Hon'ble Court deems fit in the interest of justice and equity.*

2. It appears that petitioner, who is the plaintiff, instituted Original Suit No. 183/2024 seeking a declaration of voidance of his dismissal from the membership of the dependent organization by means of a letter dated 26.07.2022. Injunction was also sought.



3. In the aforesaid suit filed on 02.03.2024, the petitioner filed IA No.1 under Section 151 CPC seeking an *ex-parte ad- interim* order of stay over his illegal dismissal till disposal of the suit. Objections were filed by the defendant, where after the impugned order dated 29.03.2025 was passed. In the order impugned it is stated that the ultimate relief claimed by the plaintiff is that the order passed by the defendant organization being illegal, be declared as null and void. Therefore, the application, indirectly claiming that the order passed by the defendant organization is illegal and praying to stay the said suspension order, could not be granted as the plaintiff has to first establish that the order passed by the defendant organization is illegal. Therefore, without going to trial it was not possible to come to that conclusion. It was further noticed that, opportunity was given to the plaintiff before passing the order of removal. It was noted that at that stage, the plaintiff had failed to convince the court that the order of the defendant organization was illegal.



4. It is noticed that the trial Court had observed to the effect that the interim order sought would amount to grant of the final relief as sought in the plaint and therefore the IA was rejected.

5. Given the settled position of law that no such interim order can be granted which has the effect of granting the final relief sought, this Court finds no merit in this petition and it is therefore dismissed.

6. The Registry of this Court is directed to communicate this order to the concerned trial Court/s within fifteen days from today, so that it is kept on the record.

Sd/-
(JAYANT BANERJI)
JUDGE

KGR
List No.: 1 Sl No.: 19