



CNR: KAHC010195452026

NC: 2026:KHC:51158
CRP No. 254 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CIVIL REVISION PETITION NO. 254 OF 2026 (IO)

BETWEEN:

1. SRI. H ABDUL RAHIM
S/O. LATE HAJI ABDUL HAFIZ
AGED ABOUT 69 YEARS
R/AT. NO.6, NEW NO.44,
1ST CROSS, OLD PENSION MOHALLA
MYSORE ROAD, CHAMRAJPET
BANGALORE - 560 018
2. SRI. R.LIAQAT HAFIZ
S/O H. ABDUL RAHIM
AGED ABOUT 45 YEARS
R/AT NO. 60, ST-11, COCKBURN ROAD,
THIMMAIAH CROSS SHIVAJINAGAR
BANGALORE - 560 051.

AND ALSO BOTH ARE RESIDING AT R/AT.NO.11,
PAYAPPA GARDEN, QUEENS ROAD
TASKER TOWN,
BANGALORE - 560 051

...PETITIONERS

(BY SRI. SYED SALMAN KHOMEINI, ADVOCATE)

AND:

NAVAJEEVAN PHYSICAL CULTURE INSTITUTE TRUST
NO.1, 2ND CROSS, JOURNALIST COLONY
J.C. ROAD, BANGALORE - 560 002



CNR: KAHC010195452026

NC: 2026:KHC:51158
CRP No. 254 of 2026

BY ITS HON.SECRETARY,
N.RAMESH BABU

...RESPONDENT

THIS CRP IS FILED UNDER SEC.115 OF CPC., PRAYING TO QUASH/SET ASIDE THE ORDER ON IA NO.23 NO. OR ANY OTHER APPROPRIATE ORDER QUASHING THE ORDERS DATED 12.12.2025 ANNEXURE - E PASSED IN COM.OS NO.11/2025 BY THE HONBLE LXXXIV ADDITIONAL CITY CIVIL AND SESSIONS JUDGE (CCH-85) COMMERCIAL COURT AT BANGALORE AND FURTHER PLEASED TO PASS ORDERS DISMISS AND SET ASIDE THE ORDER THE APPLICATION FILED BY THE PETITIONERS UNDER ORDER 7 RULE 11(a) R/W SEC.151 OF CPC., DATED 22.03.2025 IN THE INTEREST OF JUSTICE AND PASS SUCH OTHER OR FURTHER ORDERS AS THIS HONBLE COURT DEEMS FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the orders dated 12.12.2025 passed in I.A. No. 23 in Com.O.S. No. 11/2025 by the LXXXIV Additional City Civil and Sessions Judge, Bengaluru (CCH-85) (Commercial Court), the defendant is before this Court.



CNR: KAHC010195452026

2. The respondent/plaintiff herein has filed a suit seeking recovery of Rs.10,44,306/- with future interest at 24% per annum from the date of the suit till the date of its realization, as per the terms of the Lease Agreement dated 01.02.2005 and further prayed for ejectment of the defendants from the suit schedule property. The plaintiff is a physical and cultural trust serving the public in various fields and he is the absolute owner of the suit schedule property. The defendants, along with the tenants, occupy the ground floor of the suit schedule property, which is leased under a Registered Lease Agreement dated 01.02.2005. There was a default in the payment of rent. In that regard, the plaintiff issued a legal notice on 03.05.2014, terminating the defendants' tenancy. Subsequently, on 15.02.2015, the defendants paid part of the rent, and they were in arrears of Rs.8,54,875/- as of 14.09.2015. Thereafter, the plaintiff received another legal notice on 14.09.2015 under Section 106 of the Transfer of Property Act, terminating the tenancy. Despite this, the defendants continue to occupy the said premises. Hence, the plaintiff filed the suit. In that suit, an application was filed under Order VII Rule 11 of CPC, seeking rejection of the plaint



CNR: KAHC010195452026

by the defendants. The main grounds urged by the defendants are that, since a previous Secretary, N. Ramesh Babu, resigned about a year back, the present suit is not maintainable, and the plaintiffs cannot rely upon the Authorization Letter issued by him in favor of PW.1, i.e., the Manager of the plaintiff Trust. Another ground is that, under Section 92 of the CPC, the suit is not maintainable. On these two grounds, the petitioners/defendants have filed an application seeking rejection of the plaint. The trial Court, coming to the first issue that is raised, that is about the Secretary, has observed that on perusal of Ex.P1, it clearly shows the document has been issued by the Secretary of the plaintiff trust on 15.02.2019 in its official capacity and it is not issued in its personal capacity. Hence, mere subsequent resignation of any Secretary of a particular trust does not render any such official authorization letter invalid. When the defendants have agreed that the previous Secretary resigned about a year back, the question of challenging the authorization letter issued by him at the time of filing of the suit does not hold any water, and the defendants cannot challenge the same after 9 years. Then coming to Section 92 of the CPC, it is observed that it relates to specific



suits relating to the management and accounts of trusts mentioned in the said section, and the present suit filed by the plaintiff independently for eviction of the tenants does not fall under the purview of the said section. The grounds urged by the defendants with regard to the authorization of PW1 or the previous Secretary do not fall within the purview of Order VII Rule 11 CPC, and on that ground the plaint cannot be rejected. The Court has accordingly rejected the defendants' application. Learned counsel appearing for the petitioners-defendants has submitted the same grounds as previously stated before the court and submits that the court failed to consider these aspects and ought to have rejected the plaint.

3. Having heard the counsel for the petitioner, perused the material on record. When the petitioners/defendants are seeking rejection of plaint, plaint can be rejected on the grounds as enumerated under Order VII Rule 11(a) to (e) of the CPC. According to the defendant, the suit is filed by the Trust. Hence, leave of the Court must be sought before filing the suit. That submission has no legs to stand. As this suit does not fall under any of the categories mentioned under Section 92 of the CPC, the Trial Court has rightly dealt with and dismissed



CNR: KAHC010195452026

the application. Then the second objection is concerning the Secretary granting power of attorney and the Secretary not being in the said club and related matters. As rightly observed by the trial Court, these factors cannot form the basis for rejection of the plaint on any of the grounds enumerated under Order VII to 11(a)-(e) CPC. Even on that count, the Court has rightly considered and dismissed the application. This Court does not find any reason to interfere with the order passed by the trial Court. Hence, this Court is passing the following:

ORDER

- i. Accordingly, the CRP is ***dismissed***.
- ii. All Pending IAs in this petition shall stand closed.

**SD/-
(LALITHA KANNEGANTI)
JUDGE**

BH
List No.: 1 Sl No.: 27
*AK