



CNR: KAHC010297682026

NC: 2026:KHC:42928
CRP No. 419 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CIVIL REVISION PETITION NO.419 OF 2026

BETWEEN:

1. THIRUNELLAI VISHWAKARMA
WELFARE ASSOCIATION (REGISTERED)
REP. BY ITS PRESIDENT
HAVING ITS REGISTERED
ALLEGED OFFICE
AT NO.593, 15TH CROSS,
MANJUNATHANAGAR,
RAJAJINAGAR,
BENGALURU - 560 010.
(A REGISTERED SOCIETY UNDER
THE KARNATAKA SOCIETIES
REGISTRATION ACT, 1961)
2. A. THIRUNELLAI KUMARSWAMY ACHARI
S/O ARUMUGAM ACHARI,
AGED ABOUT 47 YEARS,
ALLEGED PRESIDENT THIRUNELLAI
VISHWAKARMA WELFARE ASSOCIATION (R),
NO.152/A, 4TH CROSS, 2ND MAIN,
PRAKASH NAGAR,
BANGALORE - 560 010.
3. V. KAMALA KANNAN ACHARI,
S/O L.P VELU ACHARI,
AGED ABOUT 40 YEARS,
ALLEGED GENERAL SECRETARY
THIRUNELLAI VISHWAKARMA
WELFARE ASSOCIATION (R),
R/AT NO.7, 11TH MAIN, 11TH CROSS,

Digitally
signed by
SUVARNA T
Location:
HIGH COURT
OF
KARNATAKA



CNR: KAHC010297682026

NC: 2026:KHC:42928
CRP No. 419 of 2026

NEW AMBEDKAR COLLEGE,
KURUBARAHALLI,
BENGALURU – 560 086.

4. P.S. MANI ACHARI
S/O PITCHAIAYA ACHARI,
AGED ABOUT 51 YEARS,
ALLEGED GENERAL SECRETARY
THIRUNELLAI VISHWAKARMA
WELFARE ASSOCIATION (R),
R/AT 116. VATULLIAR RAMALINGASWAMY
KALYANA MANTAPAM, 5TH MAIN,
5TH CROSS, L.N. PURAM,
BENGALURU – 560 021.
5. NAINAR
S/O ARUNACHALAM,
AGED ABOUT 40 YEARS,
ALLEGED JOINT PRESIDENT
THIRUNELLAI VISHWAKARMA
WELFARE ASSOCIATION (R),
R/AT NO.12, 19TH CROSS,
NEAR MARIYAMNA TEMPLE,
CHOLARPALYA, MAGADI ROAD,
BANGALORE – 560 023.
6. S. M. SELVAKUMAR
S/O S. MURUGAIHYA ACHARI,
AGED ABOUT 50 YEARS,
ALLEGED JOINT SECRETARY
THIRUNELLAI VISHWAKARMA
WELFARE ASSOCIATION (R),
R/AT NO.12, 24TH MAIN,
JC NAGAR, KAVERINAGAR,
MAHALAKSHMIPURAM POST,
BANGALORE – 560 086.
7. G. SELVA KUMAR ACHARI
S/O GOMATHI ACHARI,
AGED ABOUT 44 YEARS,



CNR: KAHC010297682026

ALLEGED DEPUTY TREASURER
THIRUNELLAI VISHWAKARMA
WELFARE ASSOCIATION (R),
R/AT NO.1560, 4TH MAIN, 4TH CROSS,
NAGAPPA BLOCK, SRIRAMPURA
BANGALORE – 560 021.

8. AYYAPAN ACHARI
S/O S. NAIR ACHARI,
AGED ABOUT 49 YEARS,
ALLEGED VICE PRESIDENT
THIRUNELLAI VISHWAKARMA
WELFARE ASSOCIATION (R),
R/AT NO.273/B, 8TH CROSS,
2ND MAIN, PRAKASH NAGAR,
BANGALORE – 560 021.
9. S. MANIKANDAN ACHARI
S/O S. SHANMUGAN ACHARI,
AGED ABOUT 35 YEARS,
ALLEGED DEPUTY SECRETARY
THIRUNELLAI VISHWAKARMA
WELFARE ASSOCIATION (R),
R/AT NO.273/B, 8TH CROSS, 2ND MAIN,
PRAKASHNAGAR,
BANGALORE – 560 021.
10. P.K. VELLAI DURAI
S/O KALYANI,
AGED ABOUT 40 YEARS,
ALLEGED YOUTH ORGANISER
THIRUNELLAI VISHWAKARMA
WELFARE ASSOCIATION (R),
AVAILABLE AT 593, 15TH CROSS,
MANJUNATH NAGAR, RAJAJINAGAR,
BENGALURU – 560 010.
11. M SARAVANAN ACHARI
S/O MANIKKAM ACHARI,
AGED ABOUT 34 YEARS,



CNR: KAHC010297682026

NC: 2026:KHC:42928
CRP No. 419 of 2026

ALLEGED JOINT YOUTH ORGANISER
THIRUNELLAI VISHWAKARMA
WELFARE ASSOCIATION
R/AT NO.25/203, 15TH MAIN, 14TH CROSS,
JC NAGAR, KAVERINAGAR,
MAHALAKSHMIPURAM POST,
BANGALORE – 560 086.

12. S. ANAND @ S. ANANDAN ACHARI
S/O SUBBAMANNI ADICHIN,
AGED ABOUT 38 YEARS,
ALLEGED DEPUTY YOUTH ORGANISER
THIRUNELLAI VISHWAKARMA
WELFARE ASSOCIATION
R/AT NO.517, 15TH CROSS, 3RD STAGE,
MANGALAMATHANGA
BANGALORE – 560 010.

...PETITIONERS

(BY SRI. N.RAVINDRANATH KAMATH, SENIOR COUNSEL FOR
SRI. MOHAMMED ASHHAR C.K, ADVOCATE)

AND:

SENDHIL KUMAR
S/O SUBRAM R
AGED ABOUT 48 YEARS,
MEMBER THIRUNELLAI VISHWAKARMA
WELFARE ASSOCIATION (R),
RESIDING AT NO.3052/2,
13TH MAIN ROAD, MARIYAPPANPALYA,
BENGALURU – 560 021.

ALSO AVAILABLE AT 3101,
1ST CROSS, GAYATHRI NAGAR,
BENGALURU – 560 021

...RESPONDENT

(BY SRI. HANUMESH H N, ADVOCATE)



NC: 2026:KHC:42928
CRP No. 419 of 2026

THIS CRP IS FILED UNDER SECTION 115 OF CPC, PRAYING TO a) ALLOW THIS CIVIL REVISION PETITION; b) SET ASIDE THE ORDER DATED 03.03.2026 PASSED ON IA NO.2 IN O.S NO.5842/2025 ON THE FILE OF XVII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU (CCH-16) AND THE SAID I.A MAY BE ORDERED TO BE ALLOWED AS PRAYED FOR, IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The present Civil Revision Petition is filed aggrieved by the order passed on I.A.No.2 in O.S.No.5842/2025 dated 03.03.2026 by the XVII Additional City Civil and Sessions Judge, Bengaluru, the defendants are before this court.

2. The respondent herein has filed a suit seeking a permanent injunction restraining the defendants, their agents or workmen, or anyone acting on their behalf, from conducting elections announced on 17.08.2025, or any election process initiated or continued by the present alleged office-bearers, until the appointment of an Administrator, Recruiting alleged officer, or observer to oversee the election. The trial Court has granted an injunction, thereby halting the elections. Thereafter, the petitioner, who is a defendant in the suit, has filed an



application under Order VII Rule 11 of the CPC seeking rejection of the plaint. According to the petitioner, the suit has been filed by suppressing material facts. The petitioner ought to have approached the Registrar under Section 25 of the Karnataka Societies Registration Act, 1960 (hereinafter, for short, "KSR Act"). The Civil Court has no jurisdiction to entertain a suit in respect of what is alleged in the plaint, and the jurisdiction lies with the Registrar of Societies. The election officer did not conduct the election in view of the interim order passed by the trial Court, and now that date has lapsed; therefore, the case has become infructuous. In view of the prayer made by the plaintiff, the further continuation of the case is nothing but a waste of the Court's precious time and stationery. The plaintiff has to exhaust his remedy under Section 25 of the KSR Act, and it is further stated that the case has become infructuous and has no legs to stand on its own, as the prayer in the plaint is limited to a specific date and all other remedies have to be exhausted before the Registrar of Societies; accordingly, the plaint was sought to be rejected.



The trial Court, by the impugned order, has rejected the said application.

3. While rejecting the application, the trial Court has considered the contentions raised by the petitioner. First, the trial Court considered the bar under Section 25 of the KSR Act. Thereafter, the trial Court referred to the judgment of this Court in WP.No.14787/2022. While interpreting Section 25 of the KSR Act, the Court has considered Sections 13 and 14, paragraph at page 11, which reads as follows:

"13. On a coalesce of the judgments rendered by the Full Bench of High Court of Madras, the Apex Court later affirming the judgment of the Full Bench and the judgment of the co-ordinate Bench, what would unmistakably emerge is that the District Registrar cannot assume power of a civil Court to consider the importance of evidence in election matters in the garb of conducting enquiry under Section 25 of the Act. Conduct of elections or declaration of elected candidates or a direction seeking holding of fresh election will have to be before the competent civil Court. It is further germane to notice the judgment rendered by the Co-ordinate Bench in the case of AMIYA VILAS SWAMI AND OTHERS v. SHANKHA BRITA DAS AND OTHERS.

14. The indirect effort made to submit that petitioners are not seeking inquiry into the



conduct of elections is neither here nor there, as elections are over, the Executive Committee is in place and the averments in the petition point at corrupt practice like large scale rigging and several other illegalities and irregularities in the conduct of elections. It is, therefore, the petitioners have to approach the competent civil Court for appropriate relief. This Court would not entertain the petition after the elections are over, even for a direction to the District Registrar to enquire into the conduct of elections. No fault can be found with the order of the District Registrar declining to entertain the complaint, as it was in the realm of challenging the elections."

4. The trial court observed that the Registrar of Societies has no jurisdiction to entertain a case relating to elections; rather, the civil court has jurisdiction to entertain such cases. Further, it was observed that the application was filed under Order VII Rule 11(a), but no sentence was included in the affidavit appended to the application regarding the cause of action, except for a mention a of clause 'a' in the application. Nothing was said about the same. Hence, the trial court dismissed the application.

5. Learned Senior Counsel representing the learned Counsel for the petitioner submits that the suit has become infructuous by virtue of the order, as the election was not



CNR: KAHC010297682026

conducted. If the plaintiffs have any other relief, they must go before the court. In a democratic process, elections cannot be stopped. It is submitted that the trial Court has no jurisdiction. He relied on judgment passed by a Co-ordinate branch of this Court in the case of ***H.S.Raju and Ors Vs. State of Karnataka and Ors*** arising out ***WP.No.8502/2022*** dated 07.06.2022. He relied on paragraphs Nos.11 and 12, which read as follows:

"11. The Hon'ble Supreme Court in Shri Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugha Utpadak Sanstha and Another v. State of Maharashtra and Others supra has held as follows:

'7. A perusal of the Rules discloses that the preparation of provisional list of voters, filing of objection against the provisional list of voters, consideration of the objection by the Collector and finalising the list of voters, all occur in the Rules which cover the entire process of the election. The Rules framed for election of specified societies are complete code in itself providing for the entire process of election beginning from the stage of preparation of the provisional voters list, decision on the objection by the Collector, finalisation of electoral rolls, holding of election and declaration of result of the election. In view of the scheme of the Act and Rules, the preparation of voters' list must be held to be part of the election process for constituting managing committee of a specified society.



CNR: KAHC010297682026

NC: 2026:KHC:42928
CRP No. 419 of 2026

12. In view of our finding that preparation of the electoral roll is being an intermediate stage in the process of election of the managing committee of a specified society and the election process having been set in motion, it is well settled that the High Court should not stay the continuation of the election process even though there may be some alleged illegality or breach of rules while preparing the electoral roll. It is not disputed that the election in question has already been held and the result thereof has been stayed by an order of this Court, and once the result of the election is declared, it would be open to the appellant to challenge the election of returned candidate, if aggrieved, by means of an election petition before the election tribunal.

12. It follows from this decision that the adjudication of all questions must be as provided under Section 70(2) of the Co-operative Societies Act. However, in the present case the respondents admit that there are deficiencies in finalization of Final Electoral List. The petitioners are admittedly not issued with individual notice as required under the provisions of Rule13-D (2-A) of the Co-operative Societies Rules; the petitioners have now cast their votes in the elections on 23.04.2022; the petitioners are not given the opportunity to show cause against the allegations that they have created documents. The respondents, despite admitting deficiencies in finalisation of the Final Electoral List, want to invoke the rule of alternative remedy. This Court is of the considered view that, in the peculiarities of this case, the writ petitions should be disposed of with directions to the concerned respondent to announce results counting even the votes cast by



CNR: KAHC010297682026

NC: 2026:KHC:42928
CRP No. 419 of 2026

the petitioners and with liberty to all the concerned to avail remedy under Section 70(2) of the Act if aggrieved by the results. If such remedy is availed raising a dispute, exclusion of votes of those petitioners who are guilty of fraud can also be considered based on the material that will be placed on record. Therefore, writ petitions are disposed of calling upon the Returning Officer [the fourth respondent/sixth respondent in the respective petitions] to announce the result forthwith including the votes cast by the petitioners in both the petitions. All the contentions are left open for consideration in appropriate proceedings, if commenced.”

6. He also relied on another judgment for the Co-ordinate bench of this Court arising out of batch of writ petitions in the case of ***N.Ganesh Kumar and Ors. Vs. State of Karnataka and Others*** arising out of ***W.P.No.15586/2025 C/w WP.No.15378/2025 and other*** dated 04.07.2025. He relied on paragraph No.2 which is basing on the judgment referred supra i.e., in case of ***H. S. Raju***. Further, he has also relied on the judgment of the Apex court in the case of ***Shri Sant Sadguru Janardan Swami(Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha and another Vs. State of***



CNR: KAHC010297682026

NC: 2026:KHC:42928
CRP No. 419 of 2026

Maharashtra and others¹. He relied on paragraphs Nos. 11 and 12, which read thus:

11. In the aforesaid case, this Court held that a writ petition under Article 226 of the Constitution should not be rejected on account of an alternative remedy by way of election petition where, firstly, the challenge is not a ground under the Act or the Rules for filing an election petition and, secondly, where the validity of a rule is challenged being ultra vires and invalid. It is true that a tribunal being a creature of an Act or the Rules has a limited jurisdiction and it is not open to a tribunal to decide the validity of the Act and the Rules. But, that is not the case here and, therefore, the decision in the case of Bar Council of India v. Surjeet Singh [(1980) 4 SCC 211] is of no help to the case of the appellants. In the case of Ramchandra Ganpat Shinde v. State of Maharashtra [(1993) 4 SCC 216] the parties to a writ petition obtained a collusive order by applying fraud on the court and such an order was made the basis of the election. In that context, it was held that so long as the order of the High Court continues, the Tribunal would be bound by that order of the High Court and, therefore, the writ petition was maintainable and the same cannot be thrown out on the ground of an alternative remedy. Again, that is not the case of the appellants and, therefore, the same is distinguishable. In Shreewant Kumar Choudhary v. Baidyanath Panjiar [(1973) 1 SCC 95] it was held that it was not open to the Tribunal to go behind the entry in an electoral roll. This was in the context of the provisions of the Representation of the People Acts, 1950 and 1951. It may be borne in mind that there is a distinction between the scheme of the provisions of the Representation of the People Act, 1950 and the Representation of the People Act, 1951. The Representation of the People Act, 1950 provides for the delimitation of constituencies and

¹ (2001) 8 SCC 509



CNR: KAHC010297682026

allocation of seats for purposes of election to the House of the People and the legislatures of States and preparation of the electoral roll, whereas, the Representation of the People Act, 1951 provides for conduct of election. Under Section 100 of the Representation of the People Act, 1951, one of the grounds amongst others is that an election can be challenged where there is non-compliance with the provisions of the Constitution or of the said Act and the Rules or orders made thereunder – meaning thereby that breach of the Representation of the People Act, 1950 cannot be called in question in an election petition filed under the 1951 Act. In that view of the matter, the decision relied upon by the appellants is distinguishable.

12. In view of our finding that preparation of the electoral roll being an intermediate stage in the process of election of the Managing Committee of a specified society and the election process having been set in motion, it is well settled that the High Court should not stay the continuation of the election process even though there may be some alleged illegality or breach of rules while preparing the electoral roll. It is not disputed that the election in question has already been held and the result thereof has been stayed by an order of this Court, and once the result of the election is declared, it would be open to the appellants to challenge the election of the returned candidate, if aggrieved, by means of an election petition before the Election Tribunal.

Relying on these judgments, it is submitted that the Registrar of Co-operative Societies alone has jurisdiction, and the trial court has no jurisdiction to try this suit further, the suit has become infructuous.



CNR: KAHC010297682026

NC: 2026:KHC:42928
CRP No. 419 of 2026

7. Having heard the learned Senior Counsel for the petitioner and counsel for the respondent, perused the material on record. This application is filed under Order VII Rule 11 of CPC. As per the provisions enumerated under Order VII Rule 11 of CPC, there are the grounds on which a plaint can be rejected, which read as follows:

11. Rejection of plaint.— The plaint shall be rejected in the following cases:—

- (a) where it does not disclose a cause of action;***
- (b) where the relief claimed is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so;***
- (c) where the relief claimed is properly valued, but the plaint is returned upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so;***
- (d) where the suit appears from the statement in the plaint to be barred by any law;***
- (e) where it is not filed in duplicate;***
- (f) where the plaintiff fails to comply with the provisions of rule 9***

Now, according to the petitioner, the trial Court has no jurisdiction. In that regard, the trial Court had considered the same and relied on an order passed by a Co-ordinate Bench of this Court in W.P.No.14787/2023 interpreting Section 25 of the KSR Act. In light of the same, the contention of the Senior



CNR: KAHC010297682026

Counsel has no legs to stand. Then, coming to the other submissions being infructuous, it is submitted that the plaintiff has to go before the returning officer, or he should make an application, those are not the grounds under Order VII Rule 11 of CPC to reject the plaint. If the petitioner is aggrieved by an injunction, the petitioner ought to have questioned the said injunction granted by the trial Court, instead of filing this application under Order VII Rule 11 of CPC. Even now, such a remedy is available to the petitioner to vacate the said injunction order granted by the trial court.

8. In the considered opinion of the court, there are no grounds made out seeking rejection of the plaint under Order VII Rule 11 of CPC, and the judgments relied on by the senior counsel which are referred supra, have no application to the facts of the present case.

9. Accordingly, this Court is passing the following:



CNR: KAHC010297682026

NC: 2026:KHC:42928
CRP No. 419 of 2026

ORDER

i. Accordingly, the Civil Revision Petition is
dismissed.

ii. Pending I.As in the petition shall stand closed.

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

TS
List No.: 1 Sl No.: 66