



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 19961 OF 2026 (GM-CPC)

BETWEEN:

SRI K.N.CHANDRASHEKAR SHASTRY
AGED ABOUT 75 YEARS,
S/O. LATE. K.S. NAGARAJA SHASTRY,
R/AT KURUDERE VILLAGE,
TARAHUNSE POST, JALA HOBLI,
DEVANAHALLI TALUK,
BANGALORE NORTH TALUK- 562 157

...PETITIONER

(BY SRI. UMESH M N., ADVOCATE)

AND:

1. SMT VISHALAKSHI S.B.,
AGED ABOUT 53 YEARS,
W/O LATE K.N SHESHADRI
2. SRI. MANOJAVAM S. SHASTRY
AGED ABOUT 34 YEARS,
S/O LATE K.N. SHESHADRI
3. SRI. ANJAN KUMAR.S. SHASTRY
AGED ABOUT 30 YEARS,
S/O LATE K.N.SHESHADRI

ALL ARE RESIDING AT
NARARAJA SHASTRY FARMS
KUDUREGERE VILLAGE,
THARAHUNASE NORTH TALUK,
BENGALURU-562 157

Digitally signed
by SUVARNA T
Location: HIGH
COURT OF
KARNATAKA



4. SRI. K.N. NANJUNDA SHASTRY
AGED ABOUT 78 YEARS,
S/O LATE K.S. NAGARAJA SHASTRY
RESIDING AT KUDUREGERE VILLAGE,
THARA HUNASE POST, JALA HOBOLI,
BENGALURU NORTH TALUK -562 157

...RESPONDENTS

(BY SRI.BHADRINATH, ADVOCATE FOR C/R1 TO R4)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CERTIORARI QUASHING THE IMPUGNED ORDER DATED 15-06-2026, IN MISC APPEAL NO. 10/2026, PASSED BY THE PRINCIPAL SENIOR AND JMFC, AT DEVANAHALLI (VIDE ANNEXURE - A HEREIN.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order dated 15.06.2026 passed in M.A.No.10/2026 by the Principal Senior Civil Judge and JMFC, Devanahalli, reversing the order dated 07.04.2026 passed in I.A.No.1 in O.S.No.453/2025 by the II Additional Civil Judge and JMFC, Devanahalli, the petitioner/plaintiff is before this Court.

2. The petitioner herein has filed O.S.No.453/2025 seeking a judgment and decree for permanent injunction, restraining the defendants from interfering with or obstructing



the plaintiff's right of worship on 3 poojas in alternate weeks at the Akkayamma temple, and to grant costs of the suit and such other reliefs. Along with the suit, the plaintiff has filed I.A.No.1 seeking an ad-interim injunction.

3. The trial Court, by order dated 07.04.2026, has allowed I.A.No.1 and granted the injunction as prayed for. While allowing the application, the trial Court observed that the pamphlets produced by the defendants themselves, published by the Temple administration, clearly indicate that late Sri.K.N.Sheshadri was functioning as an administrator, whereas the plaintiff has been shown as the main priest of the suit schedule Temple since 2009. The trial Court further observed that the defendants themselves have produced copies of the mark cards and degree certificates of defendant No.3. On careful perusal of the same, it is clear that defendant No.3 completed his degree and postgraduate studies in the year 2018. Further, the defendants have also admitted in their written statement that defendant No.3 started performing pooja in the suit schedule Temple in the year 2016. However, the pamphlets relied upon by the defendants themselves



indicate that the plaintiff has been functioning as the main priest of the suit schedule Temple.

4. Further, the defendants have admitted that even prior to the formation of the Trust, their father and forefathers have been continuously performing poojas in the suit schedule Temple for more than 100 years. This admission supports the plaintiff's case that he has been performing the pooja in the suit schedule Temple. The defendants had contended that, being more than 74 years of age, the plaintiff is unable to perform poojas and render services to the Temple. The trial Court observed that the plaintiff had personally appeared before the Court without assistance and, upon observation, appeared to be hale and healthy and capable of performing pooja, at least on alternate weeks. It was observed that denial of the opportunity to perform pooja would adversely affect his mental well-being and his religious beliefs. The trial Court concluded that the plaintiff has established a prima facie case and, without going into the length of the matter, the plaintiff is entitled to an injunction. Accordingly, the trial Court restrained the defendants from interfering with or obstructing the plaintiff



from performing the three poojas on alternate weeks in the Temple. Aggrieved thereby, the matter was carried in appeal.

5. The Appellate Court by impugned order had allowed the appeal filed by the defendants and set aside the order passed by the trial Court. The Appellate Court observed that the Managing Trustee's right to manage the Temple and appoint archaks for the performance of poojas was explicitly recognised by the Trust Deed. The plaintiff, being a signatory and participant in the Trust, was bound by that arrangement. The plaintiff could not claim a right inconsistent with the Trust Deed without first obtaining a judicial declaration that the Trust Deed was void or that it did not bind him. The present suit did not contain any such prayer, and the trial Court had no occasion to examine or adjudicate upon the validity of the Trust Deed. Hence, the Appellate Court held that the plaintiff had failed to establish a prima facie case for the grant of a temporary injunction, and that the trial Court's conclusion was erroneous, perverse, and contrary to the material on record. Further, when it comes to balance of convenience, the Appellate Court observed that the observation of physical



health in Court was not a substitute for a proper assessment of ritual capacity, and that the trial Court's reasoning on this point was superficial and unsatisfactory. When it comes to irreparable loss, the Appellate Court observed that the right claimed by the plaintiff was the right to perform poojas, and that the plaintiff had not been denied access to the Temple. The plaintiff retained the right to visit the Temple, to offer prayers, and to participate in the activities of the Temple in a subordinate capacity. Accordingly, the question of irreparable loss would not arise, and the Appellate Court allowed the appeal. Aggrieved thereby, the plaintiff is before this Court.

6. Learned counsel appearing for the petitioner/plaintiff submits that the findings of the Appellate Court are contrary to the material on record. The Appellate Court observed that the petitioner is a signatory to the amended Trust Deed and, being a signatory, cannot make submissions contrary to it. Apart from that, the petitioner has not questioned that the said Trust Deed is not binding on them. It is submitted that the trial Court has rightly considered all the aspects and granted an injunction, and the order passed by the Appellate Court is



beyond the jurisdiction conferred on the Appellate Court while considering the order of the trial Court granting an injunction. It is submitted that the petitioner/plaintiff is only seeking the right to perform poojas on three days of alternate weeks. It is submitted that the impugned order may be set aside and the injunction granted by the trial Court may be restored.

7. Learned counsel appearing for the respondents/defendants submits that the Appellate Court has rightly held that the plaintiff has failed to question the amended trust Deed. It is submitted that he has been actively participating, and at no point was there any obstruction to his participation in the temple rituals. It is submitted that the order passed by the Appellate Court is well-considered, and no interference is called for.

8. Having heard the learned counsels on either side, perused the entire material on record. The petitioner/plaintiff has come before the Court based on an earlier Trust Deed and the rights accrued in favour of the parties. According to the defendant, as per the amended Trust Deed, the petitioner is not entitled to the relief sought. At the interlocutory stage,



considering the *prima facie* case, balance of convenience and irreparable loss, the trial Court has rightly granted an injunction, as the plaintiff could *prima facie* make out the three ingredients. When it comes to the Appellate Court, Appellate Court appears to have relied more on the amended Trust Deed, as rightly argued by the learned counsel for the petitioner, and this Court has perused the amended Trust Deed. Though his name finds place, he was not a signatory to the amended Trust Deed. At this stage, the Court ought not to have gone into the aspect of petitioner questioning the said Trust Deed. Just because another view is possible, the Appellate Court ought not to have interfered with the order of injunction that was granted by the Court. With regard to the rights of the parties, their entitlement will be eventually decided by the trial Court in the pending suit, and at this juncture, the continuation of the earlier arrangement is in the interests of both parties. The trial Court has rightly granted an injunction, and the Appellate Court, without any basis, has interfered with the same. Hence, this Court is passing the following order:



ORDER

- i. The order dated 15.06.2026 in M.A.No.10/2026 by the Principal Senior Civil Judge and JMFC, Devanahalli, is **set aside**.
- ii. Accordingly, the writ petition is **allowed**.
- iii. It is made clear that until further adjudication, the original Trust Deed will bind both parties, and all rituals and other aspects shall be governed by the earlier Compromise Deed/Partition Deed.
- iv. All I.As. in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

MEG
List No.: 1 Sl No.: 35