IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 29TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 6622 OF 2025 (CPC)
C/W
MISCELLANEOUS FIRST APPEAL NO. 1036 OF 2025
MISCELLANEOUS FIRST APPEAL NO. 1039 OF 2025
MISCELLANEOUS FIRST APPEAL NO. 5070 OF 2025
MISCELLANEOUS FIRST APPEAL NO. 5128 OF 2025

IN MFA No. 6622/2025:

BETWEEN:

1. THE COSMOPOLITAN CLUB (R)
   22ND CROSS, 3RD BLOCK, JAYANAGAR
   BENGALURU - 560 011.
   REP. BY ITS PRESIDENT.

2. SRI.S.C.KARIGOWDA,
   S/O MR.CHANNAPPA
   AGED ABOUT 82 YEARS
   R/AT NO. 789, 'A' CROSS
   4TH 'T' BLOCK, JAYANAGAR
   BENGALURU-560 041.

3. SRI.M.R. SANJAY,
   S/O MR, M.T. RAMASWAMY GOWDA
   AGED ABOUT 55 YEARS
   R/AT NO. 47/A, 36 'A' CROSS
   9TH BLOCK, JAYANAGAR
   BENGALURU-560 069

4. SRI. T.V. EKANATH,
   S/O LATE T.V.R. GUPTA,
   AGED ABOUT 81 YEARS
   R/AT NO. 47/A, 36 'A' CROSS,
   9TH BLOCK, JAYANAGAR,
   BENGALURU-560 069

Digitally signed by GAVRIBIDANUR SUBRAMANYA GUPTA SREENATH
Location: HIGH COURT OF KARNATAKA

5. SRI PRASAD TALLAM,
AGED ABOUT 72 YEARS
R/AT NO. 490, 7TH BLOCK
7TH CROSS, JAYANAGAR WEST
BENGALURU-560 082.

6. SRI.KIRAN HOLLA,
MAJOR
R/AT NO. 138, 7TH CROSS
SUBRAMANYAPRA MAIN ROAD
MARUTHI HOUSING CO-OP-SOCIETY
VASANTHPURA
BENGALURU-560 061

7. SRI. UTTAM CHANDRASHEKAR,
S/O MR.N CHANDRASHEKAR
MAJOR,
R/AT NO. 1037, 14TH CROSS
30TH MAIN, BSK 2ND STAGE
BENGALURU-560 070

8. MS. B.A. SOWMYA,
D/O B.S. ANNEGOWDA
MAJOR
R/AT NO. 373, T-301, MEENAKSHI RESIDENCY
16TH MAIN, 4TH 'T' BLOCK, JAYANAGAR
BENGALURU-560 041.

9. SRI. VENKATESH. B,
S/O MR. K. BORAIAH,
MAJOR,
R/AT NO. 70/41, 11TH MAIN
14TH CROSS,
BSK 2ND STAGE, PADMANABHANAGAR,
BENGALURU-560 070

10. DR. B.R. SANDEEP,
S/O LATE DR. B.L. RAMAMURTHY
MAJOR
R/AT NO. 112, 2ND MAIN, 7TH BLOCK
JAYANAGAR
BENGALURU-560 082

11. SRI. SUMAL VASUDEV,
S/O MR. B.R. VASUDEV
MAJOR
R/AT NO. 17, 38TH CROSS
5TH MAIN, 5TH BLOCK, JAYANAGAR
BENGALURU-560 041.

12. SHRI. K.S. KEDARNATH,
S/O SRIRAMALU
MAJOR
R/AT 292/A, 34TH CROSS
9TH MAIN ROAD, 4TH BLOCK
JAYANAGAR
BENGALURU-560 001

...APPELLANTS

(BY SRI.S.RAJASHEKAR AND SRI. PRASANNA KUMAR P.,ADVOCATES)

AND:

1. SRI.A.N.K RAJU
S/O A N NARAYAN RAJU
AGED ABOUT 67 YEARS
R/AT NO.164/A, 20TH MAIN
JP NAGAR 2ND PHASE
BENGALURU-560 078

2. SRI. RAVI SHANKAR,
S/O LATE D SHIVARUDRAPPA
AGED ABOUT 66 YEARS
R/AT NO.57, H.B. SAMAJA ROAD,
BASAVANGUDI
BENGALURU-560 004.

3. SRI. A.P.VENKAT NAIK,
S/O MR. R.P. NAIK
MAJOR
R/ AT NO. 40, 14TH A MAIN
15TH A CROSS, OPPOSITE TO BDA COMPLEX
4TH SECTOR, IISR LAYOUT
BENGALURU- 560 102

...RESPONDENTS

(BY SRI. D.R.RAVISHANKAR., SENIOR COUNSEL FOR SRI.NEERAJ RAJIV SHIVAM.,ADVOCATE FOR R-1 & R-2;
NOTICE TO R-3 IS DISPENSED WITH V.O.D 13.01.2026)

THIS MFA IS FILED U/S.43 RULE 1(r) OF THE CPC, AGAINST THE ORDER DT. 25.07.2025 PASSED ON IA NO.XIII IN O.S.NO.6688/2024 ON THE FILE OF THE XV ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU CCH-3 ALLOWING THE IA.NO.XIII FILED U/O.39 RULE 1 AND 2 R/W SEC.151 OF CPC, 1908.

IN MFA NO. 1036/2025

BETWEEN:

1. SRI A N K RAJU
   S/O SRI. A N NARAYAN RAJU
   AGED ABOUT 67 YEARS
   164/A, 20TH MAIN ROAD
   JP NAGAR 2ND PHASE
   BENGALURU - 560 078.

2. SRI RAVI SHANKAR
   S/O LATE D SHIVARUDRAPPA
   AGED ABOUT 66 YEARS
   R/AT NO.57, H.B. SAMAJA ROAD
   BASAVANGUDI
   BENGALURU - 560 004.

...APPELLANTS

(BY SRI.D.R.RAVISHANKAR., SENIOR COUNSEL FOR SRI.NEERAJ RAJIV SHIVAM.,ADVOCATE)

AND:

1. THE COSMOPOLITAN CLUB (R)
   22ND CROSS, 3RD BLOCK
   JAYANAGAR
   BENGALURU - 560 011

2. SRI.S.C.KARIGOWDA
   S/O CHANNAPPA
   AGED ABOUT 82 YEARS
   R/AT NO.789, 'A' CROSS,

4TH 'T' BLOCK, JAYANAGAR
BENGALURU -560 041

3. SRI.M.R.SANJAY
S/O M.T. RAMASWAMY GOWDA
MAJOR
R/AT NO.47/A, 36 A CROSS,
9TH BLOCK, JAYANAGAR
BENGALURU -560 069.

4. SRI. T.V.EKANATH
S/O LATE T.V.R.GUPTA
AGED ABOUT 81 YEARS
R/AT NO.47/A, 36 'A' CROSS
9TH BLOCK, JAYANAGAR
BENGALURU -560 069.

5. SRI.PRASAD TALLAM
AGED ABOUT 72 YEARS
R/AT NO.490, 7TH BLOCK
7TH CROSS, JAYANAGAR WEST
BENGALURU -560 082

6. SRI.KIRAN HOLLA
MAJOR
R/AT NO.138, 7TH CROSS,
SUBRAMANYAPRA MAIN ROAD
MARUTHI HOUSING SOCIETY
VASANTHAPURA
BENGALURU -560 061

7. SRI. UTTAM CHANDRASHEKAR
S/O N.CHANDRASHEKAR
MAJOR
R/AT NO.1037, 14TH CROSS
30TH MAIN, BSK 2ND STAGE
BENGALURU -560 070.

8. MS. B.A.SOWMYA
D/O B.S.ANNEGOWDA
MAJOR
R/AT NO.373, T-301,

MEENAKSHI RESIDENCY,
16TH MAIN, 4TH 'T' BLOCK, JAYANAGAR
BENGALURU -560 041

9. SRI.A.P.VENKAT NAIK
S/O R.P.NAIK
MAJOR
R/AT NO.40, 14TH A MAIN
15TH A CROSS, OPP. BDA COMPLEX
4TH SECTOR, HSR LAYOUT
BENGALURU-560 102.

10. SRI. VENKATESH.B
S/O K.BORAIAH
MAJOR
R/AT NO.70/41, 11TH MAIN
14TH CROSS, BSK 2ND STAGE
PADMANABHANAGAR
BENGALURU-560 070.

11. DR.B.R. SANDEEP
S/O LATE DR.B.L. RAMAMURTHY
MAJOR
R/AT NO.112, 2ND MAIN
7TH BLOCK, JAYANAGAR.
BENGALURU-560 082.

12. SRI. SUMAL VASUDEV
S/O B.R.VASUDEV
MAJOR
R/AT NO.17, 38TH CROSS
5TH MAIN, 5TH BLOCK, JAYANAGAR
BENGALURU-560 041

13. SRI. K.S.KEDARNATH
S/O K.R.SRIRAMALU
MAJOR
R/AT 292/A, 34TH CROSS
9TH MAIN ROAD, 4TH BLOCK JAYANAGAR,
BENGALURU-560 011

...RESPONDENTS

(BY SRI. RAJASHEKAR S., & SRI.P.PRASANNA KUMAR., ADVOCATE FOR R-1)

THIS MFA IS FILED UNDER ORDER 43 RULE 1(r) OF CPC, AGAINST THE ORDER DATED 18.12.2024 PASSED ON I.A. NO. 1 IN O.S.NO. 6688/2024 ON THE FILE OF THE XV ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU (CCH.NO. 3), DISMISSING THE I.A. NO.1 FILED UNDER ORDER XXXIX RULE 1 AND 2 OF CPC.

IN MFA NO. 1039/2025
BETWEEN:

1. A N K RAJU
   S/O SRI. A N NARAYAN RAJU
   AGED ABOUT 67 YEARS
   NO.164/A, 20TH MAIN ROAD
   JP NAGAR, 2ND PHASE
   BENGALURU 560 078.

2. SRI RAVI SHANKAR
   S/O LATE D SHIVARUDRAPPA
   AGED ABOUT 66 YEARS
   R/ AT NO.57, H.B. SAMAJA ROAD
   BASAVANGUDI
   BENGALURU 560 004

...APPELLANTS

(BY SRI D.R.RAVISHANKAR., SENIOR COUNSEL A/W
SRI. NEERAJ RAJIV SHIVAM.,ADVOCATE)

AND:

1. THE COSMOPOLITAN CLUB (R)
   22ND CROSS, JAYANAGAR
   3RD BLOCK
   BENGALURU - 560 011
   REP. BY ITS PRESIDENT

2. SRI.S.C.KARIGOWDA
   S/O CHANNAPPA
   AGED ABOUT 82 YEARS
   R/AT 789, 'A' CROSS, 4TH 'T' BLOCK

JAYANAGAR,
BENGALURU -560 041

3. SRI.M.R.SANJAY
S/O M.T. RAMASWAMY GOWDA
MAJOR
R/AT 47/A, 36 A CROSS, 9TH BLOCK
JAYANAGAR
BENGALURU -560 069

4. SRI. T.V.EKANATH
S/O LATE T.V.R.GUPTA
AGED ABOUT 81 YEARS
R/AT NO 47/A, 36 'A' CROSS, 9TH BLOCK, JAYANAGAR
BENGALURU -560 069.

5. SRI.PRASAD TALLAM
AGED ABOUT 72 YEARS
R/AT NO.490, 7TH BLOCK, 7TH CROSS
JAYANAGAR WEST
BENGALURU -560 082

6. SRI.KIRAN HOLLA
MAJOR
R/AT NO138, 7TH CROSS
SUBRAMANYAPRA MAIN ROAD
MARUTHI HOUSING SOCIETY, VASANTHAPURA,
BENGALURU -560 061

7. SRI. UTTAM CHANDRASHEKAR
S/O N CHANDRASHEKAR
MAJOR
R/AT NO.1037, 14TH CROSS
30TH MAIN, BSK 2ND STAGE
BENGALURU -560 070.

8. MS. B.A.SOWMYA
D/O B.S.ANNEGOWDA
MAJOR
R/AT NO.373, T-301, MEENAKSHI RESIDENCY
16TH MAIN, 4TH 'T' BLOCK, JAYANAGAR,
BENGALURU -560 041

9. SRI.A.P.VENKAT NAIK
S/O R.P.NAIK
MAJOR
R/AT NO.40, 14TH A MAIN
15TH A CROSS, OPP. BDA COMPLEX
4TH SECTOR, HSR LAYOUT
BENGALURU-560 102.

10. SRI. VENKATESH.B
S/O K.BORAIAH
MAJOR
R/AT NO 70/41, 11TH MAIN
14TH CROSS, BSK 2ND STAGE
PADMANABHANAGAR
BENGALURU-560 070.

11. DR. B.R. SANDEEP
S/O LATE DR. B.L. RAMAMURTHY
MAJOR
R/AT NO.112, 2ND MAIN
7TH BLOCK, JAYANAGAR
BENGALURU-560 082.

12. SRI. SUMAL VASUDEV
S/O B.R.VASUDEV
MAJOR
R/AT NO17, 38TH CROSS
5TH MAIN, 5TH BLOCK, JAYANAGAR
BENGALURU-560 041

13. SRI. K.S.KEDARNATH
S/O K.R.SRIRAMALU
MAJOR
R/AT 292/A, 34TH CROSS, 9TH MAIN ROAD
4TH BLOCK, JAYANAGAR
BENGALURU-560 011

...RESPONDENTS

(BY SRI. RAJASHEKAR S.,ADVOCATE FOR R-2)

THIS MFA IS FILED U/O.43 RULE 1(r) OF THE CPC, AGAINST THE ORDER DT.18.12.2024 PASSED ON IA NO.2 IN O.S.NO.6688/2024 ON THE FILE OF THE XV ADDITIONAL CITY

CIVIL AND SESSIONS JUDGE, BENGALURU, (CCH NO.3), DISMISSING IA NO.2 FILED U/O.39 RULE 1 AND 2 OF CPC.

IN MFA NO.5070/2025

BETWEEN:

SRI AMPALLY NARAYANA RAJU KUMARRAJU @ A. N. K. RAJU
S/O LATE A. N. NARAYANA RAJU,
AGED ABOUT 67 YEARS,
R/ AT NO. 164/A,
20TH MAIN ROAD, J. P. NAGAR,
2ND PHASE,
BENGALURU-560 078.

...APPELLANT

(BY SRI D.R.RAVISHANKAR., SENIOR COUNSEL FOR SRI. NEERAJ RAJIV SHIVAM.,ADVOCATE)

AND:

THE COSMOPOLITAN CLUB JAYANAGAR,
REP. BY ITS PRESIDENT,
SRI.S. C. KARIGOWDA,
S/O LATE B. CHANNAPPA,
AGED ABOUT 84 YEARS,
NO.789, 36 A CROSS,
4TH T BLOCK, JAYANAGAR,
BENGALURU-560 041.

...RESPONDENT

(BY SRI. RAJASHEKAR S., & SRI. PRASANNA P.,ADVOCATES)

THIS MFA IS FILED U/O 43 RULE 1(r) OF CPC, AGAINST THE ORDER DATED 07.04.2025 PASSED ON I.A.NO .I IN OS.NO.4104/2024 ON THE FILE OF THE IX ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU (CCH.5), ALLOWING THE I.A.NO.1 FILED UNDER ORDER 39 RULE 1 AND 2 READ WITH SECTION 151 OF CPC.

IN MFA NO. 5128/2025

BETWEEN:

SRI AMPALLY NARAYANA RAJU KUMARARAJU @
A N K RAJU
S/O LATE A N NARAYANA RAJU
AGED ABOUT 67 YEARS
R/AT NO. 164/A
20TH MAIN ROAD
J P NAGAR 2ND PHASE
BENGALURU 560 078

... APPELLANT

((BY SRI D.R.RAVISHANKAR., SENIOR COUNSEL FOR
SRI. NEERAJ RAJIV SHIVAM.,ADVOCATE)

AND:

THE COSMOPOLITAN CLUB, JAYANAGAR
REPRESENTED BY ITS PRESIDENT
SRI S C KARIGOWDA
S/O LATE B CHANNAPPA
AGED ABOUT 84 YEARS
789 36 A CROSS
4TH T BLOCK JAYANAGAR
BENGALURU 560 041

...RESPONDENT

(BY SRI.RAJASHEKAR S., & SRI. PRASANNA P.,ADVOCATES)

THIS MFA IS FILED U/S.43 RULE 1(R) OF CPC, AGAINST THE ORDER DT.07.04.2025 PASSED ON IA NO.2 IN O.S.NO.4104/2024 ON THE FILE OF THE IX ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU, (CCH-5), ALLOWING IA NO.2 FILED U/O.39 RULE 1 AND 2 R/W SEC.151 OF CPC.

THESE APPEALS, ARE COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL JUDGMENT

I have heard learned counsels for both the parties.

2. Though these matters are listed for admission, with the consent of learned counsels for both parties, these matters are taken up together for final disposal since common issues are involved and parties are also same.

3. MFA Nos.6622/2025, 1036/2025 and 1039/2025 are arising out of the interim orders passed in O.S. No.6688/2024, whereas MFA Nos.5070/2025 and 5128/2025 are arising out of the interim orders passed in O.S. No.4104/2024.

3.1 MFA No.6622/2025 is preferred by appellants/defendant Nos.1 to 13 praying to set aside the order dated 25.7.2025 on I.A. No.XIII in O.S. No.6688/2024, whereby the trial Court allowed the said application filed under Order - XXXIX Rules 1 & 2 of CPC.

3.2 MFA Nos.1036/2025 and 1039/2025 are preferred by appellants/plaintiff Nos.1 and 2 praying to set aside the order dated 18.12.2024 on I.A. Nos.1 and 2 respectively in O.S. No.6688/2024, whereby the trial Court dismissed the said applications filed under Order - XXXIX Rules 1 & 2 of CPC.

3.3 MFA Nos.5070/2025 and 5128/2025 are preferred by appellant/defendant praying to set aside the order dated 07.04.2025 on I.A. Nos.1 and 2 respectively in O.S. No.4104/2024, whereby the trial Court allowed the said applications filed under Order - XXXIX Rules 1 & 2 of CPC.

4. The brief facts leading to filing of these appeals are as follows:

4.1 Original Suit in O.S. No.6688/2024 came to be filed by the plaintiffs viz., A.N.K. Raju and Ravi Shankar against the defendants viz., the Cosmopolitan Club ('**Club**' for short) and its office bearers seeking the following reliefs:

"WHEREFORE, the Plaintiffs above named respectfully prays that this Hon'ble Court may be pleased to pass a judgement and decree as follows

i) Declare the 29th Annual General Meeting of the Cosmopolitan Club, Jayanagar, Bengaluru conducted on 05.05.2024 as illegal and void.

ii) Declare the election for the period of 2024-26 conducted on 05.05.2024 as illegal and void ab initio.

iii) Declare that the order dated 06.05.2024 whereby the Plaintiff No.1's membership was suspended is null and void ab initio.

iv) Declare that the order dated 13.06.2024 whereby the Plaintiff No.2's membership was suspended is null and void ab initio.

v) Declare that any orders passed and/or decisions taken by the Defendants as null and void.

vi) Restrain the Defendants and their agent, henchmen or any other person claiming through them from interfering with the Plaintiffs' enjoyment of the Club benefits as members.

vii) Grant cost of the suit.

viii) Pass any other relief(s) as this Hon'ble Court deems fit and necessary in the circumstances of the case, in the interest of justice and equity."

4.2 In O.S. No.6688/2024, an application came to be filed by plaintiffs in IA No. XIII under Order XXXIX Rule 1 and 2 of CPC seeking an order of Temporary Injunction restraining the defendants from conducting the 31st Annual General Meeting (**'AGM'** for short) of the defendant No.1/Club, pending disposal of the suit. Upon hearing the learned counsels for all the parties, the trial Court by the impugned order dated 25.7.2025 allowed I.A. No.XIII and defendants were temporarily restrained from conducting the 31st AGM of the defendant No.1/Club to be held on 27.07.2025. It is this order which is questioned by the appellants/defendant Nos.1 to 13 in MFA No.6622/2025.

4.3 In the very same suit i.e. O.S. No.6688/2024, the plaintiffs filed I.A. No.1 under Order - XXXIX Rules 1 & 2 of CPC to pass an ad interim order staying all decisions

taken by defendant Nos.2 to 13 after the plaintiff No.1 had adjourned the 29th AGM on 5.5.2024. The trial Court dismissed the said I.A. No.1 by an order dated 18.12.2024. Aggrieved by the same, the appellants/plaintiffs have filed MFA No.1036/2025.

4.4 In the very same suit i.e. O.S. No.6688/2024, the plaintiffs filed I.A. No.2 under Order - XXXIX Rules 1 and 2 of CPC to pass an ad-interim order of Temporary Injunction restraining defendant Nos.2 to 13 from exercising powers as office bearers of the Club, on account of the illegal elections held on 5.5.2024. The trial Court dismissed the said application by an order dated 18.12.2024. Aggrieved by the same, the appellants/plaintiffs have filed MFA No.1039/2025.

4.5 The defendant No.1/Club in O.S. 6686/2024, had earlier preferred O.S. No.4104/2024 against Sri A.N.K. Raju (plaintiff No.1 in O.S. No.6688/2024) seeking the following reliefs:

"WHEREFORE, the Plaintiff herein humbly prays that this Hon'ble Court may kindly be pleased to grant decree of permanent injunction thereby:

1. Restraining the Defendant, his men, agents, servants, representatives, employees or any other persons claiming under him in any manner or whatsoever from entering the premises of the plaintiff/club;

2. Restraining the Defendant, his men, agents, servants, representatives, employees or any other persons claiming under him in any manner or whatsoever from in any manner interfering, representing, or associating with the day-to-day functioning, overall administration and management of the Plaintiff/club including but not limited to using the property of the Plaintiff/club viz., letter-heads, keys and club seals belonging to the plaintiff/club that have been stolen by the defendant;

3. Award costs of the suit;

> 4. Pass such other orders as may be deemed fit in the circumstances of the case herein in the interest of justice and equity."

4.6 Along with the said suit in O.S. No.4104/2024, I.A. No.1 came to be filed by the plaintiff/Club for grant of an ad-interim order of Temporary Injunction restraining the defendant, his agents, henchmen, third person or anybody claiming through him or under him from interfering with peaceful possession and occupation of the scheduled property.

4.7 Alongwith the said suit - O.S. No.4104/2024, another application - I.A. No.2 came to be filed seeking an ad-interim order of Temporary Injunction restraining the defendant from in any manner interfering, representing or associating with the day-to-day functioning, overall administration and management of the plaintiff/Club etc.,

4.8 I.A. Nos.1 and 2 in O.S. No.4104/2024 came to be allowed by the common order dated 07.04.2025, which

is questioned by the defendant/A.N.K. Raju in MFA No.5070/2025 and MFA No.5128/2025 respectively.

5. The appellant no. 1 in MFA No.6622/2025 is the recreational Club, which is registered under the provisions of the Karnataka Societies Registration Act. It is stated that the club has eleven Executive Committee posts, each consists of the President, Vice-President, Secretary, Treasurer and seven executive members, who constitute the governing body which is elected by the members of the appellant No.1/Club for a tenure of 2 years by conducting elections.

6. It is the case of plaintiff/Club in O.S. No.4104/2024 that defendant/A.N.K. Raju was suspended member of the Club, who was in the management of the Club since 2000 and also occupied the post of President between 31.07.2022 and 05.05.2024. It is further case of the plaintiff/Club that during this period, there were several mismanagement and embezzlements of the funds

and due to the mismanagement, defendant/A.N.K. Raju was suspended from the membership. It is also contended by the plaintiff/Club that election was conducted for the Club on 05.05.2024 by convening an Annual General Body meeting and the Executive Committee members were elected pursuant to the Executive Committee's election and taken charge of the affairs of the club. Thereafter, a suit came to be filed in O.S. No.4104/2024 seeking the reliefs hereinabove mentioned.

7. As already stated supra, I.A. Nos.1 and 2 in O.S. No.4104/2024 came to be allowed by the common order dated 07.04.2025, which is questioned by the defendant/A.N.K. Raju in MFA No.5070/2025 and MFA No.5128/2025 respectively. Though these two appeals were filed on 05.07.2025, till date, no interim orders are passed by this Court and the same are pending adjudication.

8. Further, in O.S. No.6688/2024, I.A. Nos.1 and 2, on contest came to be dismissed, which have been questioned by the plaintiffs/A.N.K. Raju and others in MFA No.1036/25 and MFA No.1039/25 respectively. The said appeals were filed on 2.6.2025 and till date, no interim orders are passed on the said applications and the appeals are pending adjudication.

Contentions of Sri S. Rajashekar, learned counsel appearing on behalf of Cosmopolitan Club and its elected committee members

9. It is the vehement contention of Sri S. Rajashekar, learned counsel appearing on behalf of Cosmopolitan Club and its elected committee members that the impugned order dated 25.7.2025 passed on I.A. No. 13 in O.S. No.6688/2024 is illegal, arbitrary and violative of principles of natural justice & the principles of *res judicata* and as such it is liable to be set aside. Learned counsel contends that the trial Court has rejected I.A Nos. 1 and 2 filed by the plaintiffs in the very same suit by an order dated 18.12.2024 and once an order is already passed on

the issues/contentions similar in nature by the very same Court, it would not open for the very same Court to give a finding contrary to what has been given in its own order dated 18.12.2024 and therefore, the impugned order dated 25.7.2025 is not sustainable in law.

9.1 It is also the contention of learned counsel that in pursuance to the election conducted on 05.05.2024, the elected body has come into existence by virtue of a proper mode of election, which was validly conducted as per law and the elected members have taken charge and running the day-to-day affairs of the Club. Learned counsel contends that the trial Court by an order dated 18.12.2024 has given a finding to the effect that new President and the members of the Club have been elected as per Rule 12.2(c) of the by-laws of the Club and accordingly, the trial Court rejected the earlier applications in I.A. Nos.1 and 2 preferred by the plaintiffs. Therefore, he contends

that there is a categorical finding that the election which was conducted on 5.5.2024 is legal and valid.

9.2 Learned counsel further contends that by virtue of the order dated 18.12.2024, the trial Court has given a categorical finding that as per the rules of the Club, the members who were present have conducted the Annual General Meeting (AGM) and elected the President, Vice President, Secretary and Executive Committee members. Therefore, the trial Court proceeded to hold that the plaintiffs/A.N.K. Raju and others have not made out a prima facie case to say that the defendants conducted the AGM and the election with any irregularity or illegality.

9.3 Learned counsel further contends that by the impugned order dated 25.7.2025 passed on I.A. No. 13, the learned trial judge has come to a conclusion that the Annual General Body Meeting was conducted by unauthorised persons and the conduct of election for executive body for the year 2024-26 in the Cosmopolitan Club was contrary to the by-laws, but the same is contrary

to its own finding in the earlier order dated 18.12.2024 passed in the very same suit. It is further contended by learned counsel that though the said orders passed on I.A. Nos. 1 and 2 have been questioned by the respondents herein in the connected appeals, no orders have been passed and the same has attained finality as on the date of passing the impugned order on IA No. 13. Under such circumstances, there was no cogent reason or muchless any different situation for the learned trial judge to have differed from his earlier opinion and to take a different stand contrary to the earlier stand taken based on the same set of facts and hence, it would act as *res judicata* to his own orders on the issues which were dealt with earlier on I.A. Nos. 1 and 2. Learned counsel further contends that in the impugned order, an observation is made that unhealthy circumstances were created on the day of AGM, which did not make it possible to conclude the AGM and conduct the election of the Returning Officers, which according to him, touches the merits of the case and

unsustainable in law and hence the same requires to be set aside.

9.4 Learned counsel further contends that the trial Court has proceeded on an assumption at paragraph number 23 that since the meeting was suspended, the same may be the reason that the respondents/A.N.K. Raju and others did not participate in the process of election and further proceedings of the AGM. It is also contended that the trial Court has opined that the by-laws of the club is silent regarding the process of continuation of AGM once it is postponed by the president. This being the case, when there is a finding that there is a ambiguity, the balance of convenience would not tilt in favour of the appellants/defendants. Hence the impugned order is liable to be set aside.

9.5 It is further contended by the learned counsel that the trial Court having not found any fault with the conducting of the 29th and 30th AGM, has proceeded to pass the impugned order restraining the Club from

conducting the 31st AGM, which is unsustainable. The same is liable to be set aside.

9.6 Learned counsel further contends that previous order dated 18.12.2024 not having been set aside in any proceeding by any higher Court, the impugned order dated 25.7.2025 would go beyond the scope of relief sought in the application. Since the findings pertaining to the conduct of AGM and the office bearers of the Club not having been set aside, the finding in the impugned order that the injunction is based on a recurring cause of action and therefore, restraining the defendant No.1/Club from conducting 31st AGM is without any merit.

9.7 Learned counsel further contends that the trial Court has also failed to take into consideration the earlier suit filed by the Club against the respondent no. 1/A.N.K. Raju in O.S No. 4104/2024 and vide order dated 07.04.2025, the trial Court has passed an interim order of temporary injunction restraining the respondent no. 1/A.N.K. Raju from interfering with the affairs and

operations of the Club and when such an interim order is still operating without there being any modification, the impugned order dated 25.7.2025 runs contrary to the findings in O.S No. 4104/2024.

9.8 Learned counsel further contends that the appellants being the club and the legally elected body are entitled to conduct the AGM for the purpose of enabling operation and management of the Club and any order restraining the club from conducting its day to day affairs and meetings and AGM would affect the functioning and management of the club. Therefore, learned counsel seeks to set aside the impugned order dated 25.7.2025, which runs contrary to the earlier orders passed by the very same Court on applications - I.A. Nos. 1 and 2.

10. Counsel for the appellant/Club relies upon the following judgments in support of its case.

1.The Dwarakanath Reddy Vs. Chaitanya Bharathi Educational Society & Others

{judgment of the Hon'ble Supreme Court in (2007) 6 SCC 130}

2. Sanjeev Kumar Singh Vs. State of Bihar & Others (Order passed by the Hon'ble Supreme Court in SLP No. 19038/2022 dated 24.1.2023)

3. Lieutenant Colonel Sandeep Dewan (Veteran) Vs. M/s.Ootacamund Club in (Judgment of High Court of Judicature at Madras in CMA No.2518/2022 dated 13.2.2023)

4. Dr.K.V.Chidananda & Others Vs. Academy of Liberal Education (R) (order passed by this Court in WP.No.11177/2022 dated 4th November 2022)

Contentions of Sri D.R.Ravishankar, learned Senior counsel appearing on behalf of the plaintiffs viz., A.N.K.Raju and Ravi Shankar

11. *Per contra*, learned Senior counsel Sri D.R.Ravishankar appearing on behalf of learned counsel Sri Neeraj Rajiv Shivam for plaintiff Nos.1 and 2 vehemently contends that so-called elected body of 05.05.2024 i.e., the elected members of the club,

pursuant to the election dated 05.05.2024, are not entitled to continue in the affairs of the Club or manage the affairs of the Club for the simple reason that the election that was conducted by them is illegal, contrary to the by-laws and the provisions of the Act. It is further contended that the earlier term of election was for a period from 2022 to 2024 and the present so-called elected body having conducted elections on 05.05.2024, without following the proper legal course, do not constitute as a legally elected body since they do not have right, power and authority to conduct the elections for the reason that the defendants have taken undue advantage of their illegal declaration and constitute the body; without authority issued Notice dated 02.07.2025 calling upon to conduct the 31st AGM on 27.07.2025 in a most illegal manner and the defendants having taken illegal decisions, causing injuries to the valid members of the Club. Based on illegal Disciplinary Committee Report in the 31st AGM, the defendants have inducted certain persons who do not deserve to be

members and therefore, being successful in convening the AGM, they have taken decisions contrary to the by-laws against the welfare of the members and the Club. Therefore, learned Senior counsel vehemently contends that when the so-called elected body did not have right and authority to conduct election or the AGM, the question of continuing to conduct any further AGM and affairs of the Club will not arise as they do not have any right to continue in the Club when their induction or coming into power itself is seriously questioned and not accepted to be valid by the respondents herein.

12. Learned Senior counsel further contends that with regard to the orders passed in O.S.No.4104/2024 on I.A.Nos.1 and 2, the same are questioned before this Court taking up similar plea with regard to the appellants herein not having any valid right to have even secured the said order of the respondents interfering with their activities of the Club or for that matter, continuing them from conducting any further activities, as they do not have

any right vested, because they are coming into power by virtue of so-called elections of 05.05.2024 itself is illegal and not as per the rules of the by-laws and so also of the Act. On these grounds, he contends that there is no illegality or perversity in the order passed by the trial Court on I.A.No.13.

13. Learned Senior Counsel further contends that as per Rule 10.1 of the By-law, it speaks about the Powers and Duties of the President amongst them. One of the Powers and Duties of the President is to preside over the General Body and the Special General Body Meetings and conduct the meetings. Therefore, he contends that admittedly on the 29th AGM, when the dispute was raised by the respondents-plaintiffs, the legality of the same is not at all questioned by the appellants-defendants herein. It is also contended that as per the schedule to conduct the said meeting on the disputed day, plaintiff No.1 being the President of the Club was admittedly present. Accordingly, as per the provisions of the by-law, it is the

power of the said President to preside over the General Body to be held on the disputed day, but he was not allowed to preside over the said AGM by exercising his statutory right conferred under Rule 10.1, whereas other members gathered and took over the powers and have committed a blunder by creating a separate election, by which the election was subsequently notified and the elected body now assumes to have gathered power by virtue of the election having conducted on 05.05.2024.

14. It is also contended by learned Senior Counsel that no doubt that I.A.Nos.1 and 2 filed by the plaintiffs came to be dismissed by the very same Court, however the same will not preclude the Court from passing the fresh orders on I.A.No.13 on realising the facts and having violated the legal procedures and taken charge by the elected body. Therefore, learned Senior counsel contends that whether the elected body as of 05.05.2024 could have taken action by itself and taken things into their own hands by appointing an Ad-hoc Chairman and the

Returning Officer and conducting election and coming into power is a serious question which has been deliberated and decided by the trial Court and having granted an order does not call for interference as no illegality or perversity is shown in such an order passed by the learned trial Judge. Learned Senior counsel further contends that the trial Court has taken into consideration the orders passed on I.A.Nos.1 and 2 in its present order and having considered the earlier orders, felt it right to consider I.A.No.13 in favour of the plaintiffs for the reason that the injunction order is a recurring cause of action and the same lies within the adjudication of the trial Court to take a view if not finally decided and the facts and circumstances having demanded so has taken a different view which cannot be considered as illegal or arbitrary. On these grounds, he seeks to dismiss the appeal as no grounds are made out to set aside the impugned order.

15. Learned counsel for the respondents relies upon the following judgments in support of their case:

(i) ***Dr.Renukaprasad.K.V. and another vs. Sri.M.Puttaswamy and others [MFA No.4319/2023 & connected matters];*** and

(ii) ***K.Shivanna and others vs. State of Karnataka and others [WP No.33814/2025 & connected matter].***

16. Having heard learned counsel for both parties, the point that arises for consideration are:

1. Whether the orders passed on the application-I.A.No.13 filed by the respondents-plaintiffs under Order 39 Rule 1 and Rule 2 deserves to be sustained? and

2. Whether the order passed by trial Court on I.A.No.13 requires modification, variation or setting aside?

17. The facts of the case need not be narrated once again as this Court has already dealt with the facts in each of the appeals stated herein above. Apparently, two suits are filed and orders on the applications of which are

challenged in these appeals. Initially, a suit in O.S.No.4104/2024 came to be filed by the Club against respondent No.1 for the reliefs stated already herein above (supra). In the said suit, an application-I.A.No.1 was filed under Order 39 Rule 1 and 2 of CPC restraining the defendant and his agents, henchmen, third person/s or anybody claiming through him or under him in any way from interfering with peaceful possession and occupation of the schedule property and the application-I.A.No.2 was filed under Order 39 Rule 1 and 2 of CPC seeking to restrain the defendant and his agents, servants, representatives, employees or any other persons claiming under him in any manner or whatsoever from in any manner interfering representing or associating with the day to day functioning, overall administration and management of the plaintiff/club including but not limited to using the property of the plaintiff/club viz., letter heads, keys and club seals belonging to the plaintiff/club that have been stolen by the defendant and the same are

allowed. When these two applications i.e., I.A.Nos.1 and 2 in O.S.No.4104/2024 came to be allowed by its order dated 07.04.2025, the present elected body i.e., appellants have been running the affairs of the Society and the Club without any interference whatsoever.

18. It is no doubt true that orders passed on I.A.Nos.1 and 2 in O.S.No.4104/2024 in favour of the appellants are questioned by the respondents, who are the defendants, by filing appeal in MFA No.5070/2025 and MFA No.5128/2025, which came to be filed on 05.07.2025. Today it is 29.06.2026. It is more than a year since the appeals are filed by the respondents-defendants. No action is taken or no effort is made to move this Court for seeking variation or modification of the orders. This being the state of affairs, fresh suit is filed in O.S.No.6688/2024 by the respondents seeking for the reliefs of declaration to declare the 29th AGM of the Cosmopolitan Club conducted on 05.05.2024 to be illegal and void; the election for the period of 2024-2025 conducted on 05.05.2024 to be illegal

and void; declare the membership of respondent No.1-plaintiff No.1, which was suspended to be null and void and further other consequential reliefs. In the said suit, I.A.No.1 came to be filed seeking to stay all decisions taken by defendant Nos.2 to 13 and I.A.No.2 was filed seeking a direction to defendant Nos.2 to 13 not to function as office bearers on account of illegal elections having been held on 05.05.2024. Admittedly, these two applications filed by the plaintiffs came to be dismissed, whereby the trial Court has dealt with Rule 10.1 of the by-laws which deals with the Powers and Duties of the President. Rule 12.2 deals with the quorum of Annual General Body Meeting and Special General Body meeting and has come to the conclusion at paragraph 19 that the defendants have carried out AGM and election as per AGM agenda fixed by plaintiff No.1, who has postponed the AGM and election of defendant No.1-Club. It has also come to the conclusion that the AGM and the elections have been carried out as per Rule 2 (C) of the by-laws.

The trial Court has also come to the conclusion that the plaintiffs have not made out *prima facie* illegality in conducting the AGM and election. It is also held that it is not the case of the plaintiffs that the defendants have carried out AGM and the election afresh without following the by-laws and that defendant No.1-Club is registered under the Karnataka Societies Registration Act, wrongly mentioned as Co-operative Societies Act. The report has been submitted by the election Observer is accepted by the District Registrar and the plaintiffs failed to prove *prima facie* case and balance of convenience for grant of any interim order. It is also relevant to see that the report dated 13.05.2024 submitted by Assistant Registrar of Co-Operative Society to the District Registrar is accepted by the District Registrar. The quorum was also available as required and the members who are present have conducted the AGM and elected the President, Vice President, Secretary and Executive Committee and accordingly, came to the conclusion that the plaintiffs did

not make out a *prima facie* case to say that the defendants have conducted AGM and election illegally. These are some of the findings of the very same Court passed on I.A.Nos.1 and 2, which came to be disposed on the very same facts and circumstances and the arguments addressed with regard to the elections being conducted by the defendants on 05.05.2024 being illegal, void, invalid due to not having powers to even conduct such elections. When the plaintiffs did not succeed in the said applications-I.A.Nos.1 and 2 at the first instance, a fresh application was made in I.A.No.13 by the plaintiffs seeking to restrain defendant Nos.2 to 13 from conducting the 31st Annual General Meeting (AGM) of the Club pending disposal of the suit.

19. Apparently, no different set of facts are pleaded except what is stated earlier in the very same applications-I.A.Nos.1 and 2 and so also the arguments. The trial Court has gone on to allow the application filed by the plaintiffs by holding that the injunction is a recurring

cause of action and that the said order on I.A.Nos.1 and 2 has been challenged and is pending before this Court.

20. Fundamentally, there are three essential requirements to be considered while granting an order of temporary injunction. They are *prima facie* case, balance of convenience and the hardship that would be caused to the aggrieved party. The trial Court has lost sight of the fact as to what is *prima facie* case and what is *prima facie* title on the merits of the case. While deciding an application for grant of temporary injunction, it is a fundamental rule of law that the trial Court need not conduct a mini-trial, as that would prejudice the entire merits of the case. When similar applications-I.A.Nos.1 and 2 came to be filed for grant of temporary injunction and the same having been rejected by the very same Court opining that the plaintiffs were unable to make out a *prima facie* case, this Court fails to understand how the trial Court later on comes to a conclusion of a *prima facie*

case having been made out by the plaintiffs for grant of an injunction restraining the defendants from conducting the AGM after having been successful in the elections conducted on 05.05.2024, which is not set aside by any Court. It may be a different matter that the defendants either succeed or do not succeed in the main suit, but the fact remains that in pursuance to the election conducted on 05.05.2024, they have been running the affairs of the Society and the Club from the period of their election as on date.

21. All the contentions that are raised by the plaintiffs as to whether the AGM that was conducted in the earlier round, the elections thereafter, by which, the defendants' got elected as elected body of the Club and performing the activities of the Club for the past two years is valid in the eye of law or not are to be decided in the course of trial,. However, *prima facie* coming to the conclusion that the whole aspect is wrong is as good as coming to a main decision on the merits of the matter,

which is not permissible while deciding the application under Order XXXIX Rule 1 and 2. Therefore, this Court is of the opinion that the trial Court has committed an error and illegality in not relying upon its own orders passed on I.A.Nos.1 and 2 and nothing having been placed before the Court to vary or modify that order which it had earlier decided, which amounts to *res judicata*. All these aspects will have to be dealt with during the course of trial.

22. In my opinion, the defendants who have got elected to the elected body as on 05.05.2024 and having continued from the said date till date should not be restrained from conducting further activities of the Club including the AGM and any other affairs of the club by virtue of the interim order, which contradicts its earlier orders passed on I.A.Nos.1 and 2.

23. In view of the discussions made herein above, I pass the following:

ORDER

i) MFA No.6622/2025 filed by the appellants - defendants against the order dated 25.07.2025 passed on I.A.No.13 in O.S.No.6688/2024 by XV Addl. City Civil and Sessions Judge, Bengaluru is allowed.

ii) The impugned order dated 25.07.2025 passed on I.A.No.13 in O.S.No.6688/2024 by XV Addl. City Civil and Sessions Judge, Bengaluru is hereby set aside.

iii) Consequently, MFA No.1036/2025 and MFA No.1039/2025 filed by the appellants-plaintiffs against the order dated 18.12.2024 passed on I.A.Nos.1 and 2, respectively, in O.S.No.6688/2024 by XV Addl. City Civil and Sessions Judge, Bengaluru are dismissed.

iv) MFA No.5070/2025 and MFA No.5128/2025 filed by the appellant-defendant against the order dated 07.04.2025 passed on I.A.Nos.1 and 2, respectively, in O.S.No.4104/2024 by the IX Addl. City Civil and Sessions Judge, Bengaluru are also dismissed.

v) It is needless to mention that this Court has not expressed any opinion on the merits of the matter.

Pending applications, if any, stand disposed of.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

paragraphs 1 to 10 .. GSS
paragraphs 11 to end .. VM
List No.: 1 Sl No.: 42