



CNR: KAHC010531552026

NC: 2026:KHC:42714
MFA No. 5524 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

MISCELLANEOUS FIRST APPEAL NO.5524 OF 2026 (CPC)

BETWEEN:

1. SRI PARASMAL ROONWAL
S/O A.C. MOTILALJI ROONWAL,
AGED ABOUT 71 YEARS,
R/A NO.10, SHIVAJI ROAD,
BENGALURU 560 001.
(PRESIDENT OF THE MANAGING
COMMITTEE OF THE TRUST ELECTED
ON 05.07.2026)
2. SRI P.VASANTHRAJ PORWAL,
S/O G.PARASMALJI PORWAL,
AGED ABOUT 64 YEARS,
R/A NO.35, CHICK BAZAAR ROAD,
BENGALURU 560 051.
(TREASURER OF THE MANAGING
COMMITTEE OF THE TRUST ELECTED
ON 05.07.2026)
3. SRI U.SURENDRA KUMAR ROONWAL,
S/O UTTAMCHAND ROONWAL,
AGED ABOUT 59 YEARS,
R/A NO.172, SHIVAJI ROAD,
BENGALURU 560 051.
(SECRETARY OF THE MANAGING
COMMITTEE OF THE TRUST ELECTED
ON 05.07.2026)

...APPELLANTS

(BY SRI ANGAD KAMATH, ADVOCATE)

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



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AND:

SRI SHWETHAMABAR STANAKVASI
BAWEERS SAMPRADAYA JAIN
SANGHA (TRUST) HAVING ITS
PRINCIPAL OFFICE AT
NO.9, BHAGAWAN
MAHAVEER ROAD (INFANTRY ROAD),
BENGALURU - 560 001,

REP (AS BEFORE THE TRIAL COURT)
BY ITS "OFFICE BEARER"
SRI P. SUDARSHAN KUMAR,
DESCRIBED AS TREASURER.

...RESPONDENT

(BY SRI A.ABHINAV RAMANAND, ADVOCATE A/W
SRI H.S.KUMAR, ADVOCATE)

THIS MFA IS FILED U/O 43 RULE 1(r) OF CPC, PRAYING
TO SET ASIDE THE ORDER DATED 25.07.2026 PASSED ON
I.A.NO.1 IN OS.NO. 5339/2026 ON THE FILE OF THE CITY
CIVIL AND SESSIONS JUDGE, BENGALURU (CCH-1) FILED U/O
39 RULE 3(a) OF CPC.

THIS APPEAL, COMING ON FOR *ORDERS*, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL JUDGMENT

Challenging impugned order dated 25.07.2026 passed by
Principal City Civil and Sessions Judge, Bengaluru (CCH-1) on
IA no.I in OS no.5339/2026, this appeal is filed.



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2. Sri Angad Kamath, learned counsel for appellants submitted that appellants were defendants in suit filed by respondent - plaintiff (Trust). It was submitted that defendants had entered caveat on 02.07.2026 in Caveat Petition no.2960/2026 of impending suit or application for temporary injunction that may be filed by plaintiff. But, when plaintiff filed OS no.5339/2026 on 23.07.2026, Registry did not put-up caveat filed by defendants and though very prayer sought in suit i.e. to declare Election of defendants and other persons as office bearers of Trust as illegal and not binding on it, would indicate that process of Election was completed, without consideration an order was passed by trial Court granting *ex-parte* temporary injunction restraining defendants, their agents, supporters or anybody claiming under them from interfering with administrative functions of Trust including its social and religious activities, till next date of hearing. Same would virtually amount to perpetrating an illegality as earlier office bearers whose term of office had expired several years ago would be permitted to continue to administer Trust by overlooking elected office bearers.



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3. Apart from above, it was submitted very plaintiff had stated about existence of arbitration clause in Trust deed and sought for reference to arbitration. It was submitted that plaintiff had suppressed that it had filed Arbitration Application no.42/2026 for interim measure under Section 9 of Arbitration and Conciliation Act, 1996 on 18.07.2026 and failed to obtain interim order, had resorted to filing of suit. Relying upon document by Election Officer declaring defendants and others as elected office bearers of Trust, it was submitted that intention in filing suit was to disrupt religious activities in holy period of Chaturmaas and withdraw huge amounts of Trust kept in Fixed Deposits etc. Therefore, it was imperative for this Court to set-aside impugned order in view of above facts and circumstances.

4. Sri A. Abhinav Ramanand, learned counsel appears through Video Conferencing for Sri H.S. Kumar, advocate submits, though Caveat is filed by plaintiff after filing of appeal, he would accept notice for respondent and oppose appeal/application for interim relief. He also submitted that appeal itself may be disposed of by passing appropriate orders especially as Appeal was against *ex-parte* order of temporary



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injunction, wherein defendants had remedy of approaching same Court and seek for vacating order of temporary injunction.

5. Producing several documents along with Memo, it was submitted taking note of arbitration award dated 14.10.2011, OS no.7452/2001 was disposed of. Said award was regard to governance of Trust.

6. Even subsequent dispute was resolved through Arbitration in Arbitration Case no.171/2018 dated 18.10.2019 which provided for manner of Election of office bearers of Trust and duration of their term. It was sought to be contended that due to death of some of Founding Trustees, process of co-option of new members was delayed and same had in turn delayed holding of elections. Such being case, as there were reports of Election being held without following procedure laid down in award, plaintiff was constrained to file suit. It was submitted, on consideration of averments in plaint and application for temporary injunction and referring to material produced, trial Court had passed discretionary order and same was not amenable for interference.



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7. Heard learned counsel, perused impugned order and material on record.

8. This appeal is by defendants challenging order of trial Court granting *ex-parte* order of temporary injunction. At outset, Hon'ble Supreme Court in case of **A. Venkatasubbiah Naidu v. S. Chellappan**, reported in **(2000) 7 SCC 695** has held remedy of appeal would be available against an *ex-parte* order of temporary injunction.

9. Besides learned counsel for plaintiff has consented for disposal of Appeal and taking note of facts and circumstances of this case where proceedings before trial Court itself are in nascent stage, therefore contention about maintainability of appeal against an *ex-parte* order of temporary injunction would not detain this Court.

10. Material on record reveals that in OS no.5339/2026 on 23.07.2026, relief prayed is for permanent injunction restraining defendants from interfering with peaceful functioning of Trust till holding of fresh election to its office bearers and for declaration that defendants and other persons



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claiming to be elected as office bearers of Trust as illegal and not binding on Trust etc.

11. Material would also disclose that Caveat Petition no.2960/2026 was filed on 02.07.2026, much prior to filing of suit. Though it is filed in suit, it is put-up in Arbitration Application no.42/2026 filed by Trust for interim measure.

12. It is seen that plaintiff failed to get any interim order in said application and notice was ordered on 18.07.2026. On same day, present suit is filed. And though, Arbitration Application no.42/2026 was filed a day earlier, same is not mentioned in plaint. Consequently, learned Trial Judge was oblivious of fact that caveat petition was filed and plaintiff had also filed Arbitration Application. Consequently, defendants are deprived of opportunity of being heard prior to passing orders on application for temporary injunction.

13. Besides *prima facie* claim about holding of Election and Election of defendants as Office Bearers of Trust is supported by document issued by Election Officer and corroborated by prayer for declaration sought by plaintiff. It is



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apparent, above facts and circumstances have not been appreciated by trial Court at time of passing of impugned order.

14. Therefore, it is found appropriate to set-aside impugned order and remit matter back to trial Court for consideration of IA no.I afresh by providing opportunity to caveator defendants and considering material placed on record by both parties within time line.

15. Accordingly, appeal is ***allowed in part***, impugned order dated 25.07.2026 passed by Principal City Civil and Sessions Judge, Bengaluru (CCH-1) in OS no.5339/2026 on IA no.I is set-aside. Trial Court is ordered to pass orders on IA no.I for temporary injunction, afresh after providing opportunity to defendants and as early as possible within period of two weeks from next date of next hearing stated to be 20.08.2026 and clarifying that observations made by this Court herein as well as trial Court in impugned order will not be binding on learned trial Judge and shall be at liberty to arrive at any independent conclusion based on material on record.

16. For interregnum, it is clarified that allowing of this Appeal would not authorize Trust/office bearers to take any



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major policy decisions having major financial implications on resources of Trust, except those required for routine running and maintenance of Trust/activities and holding of religious functions. Above, directions are purely temporary and till passing of orders afresh by trial Court. Observations made herein are *prima facie* and purely for purpose of this appeal and trial Court shall not be bound by them and would be at liberty to come to any independent conclusion based on material on record.

17. Since both parties are represented, they are directed to appear before Trial Court on 20.08.2026, stated to be next date of hearing in suit and tender their arguments on IA no.I for temporary injunction without delay. Based on same, trial Court is directed to consider application for temporary injunction and pass appropriate orders thereon within a period of two weeks.

Sd/-
(RAVI V HOSMANI)
JUDGE

GRD
List No.: 1 Sl No.: 3