



CNR: KAHC010543312022

NC: 2026:KHC:42982
W.P. No.23561/2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 12TH DAY OF AUGUST, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.23561/2022 (GM-CPC)

BETWEEN:

SRI. HONNESHGOWDA B.R.
S/O LATE B.J. RAJAGOPAL
AGED ABOUT 45 YEARS
YAJAMAN OF BYADAGERE BANDI
SRI. HONNESHWARA SWAMY
TEMPLE AT SHIVANAGERE
R/O. SHIVANAGERE
JAKKENAHALLI POST
DODDERI HOBLI, MADHUGIRI
TUMKUR DISTRICT 572 112.

...PETITIONER

(BY SRI. SURENDRA KUMAR N, ADV.,)

AND:

1. SRI. G.S. RAMACHANDRASWAMY
S/O LATE SHIVARAMAIAH
AGED ABOUT 64 YEARS
YAJAMAN OF RAMANAHALLI BANDI
SRI. HONNESHWARA SWAMY
TEMPLE AT SHIVANAGERE
R/O GULIGENAHALLI, KASABA HOBLI
SIRA TALUK, TUMKUR DISTRICT 572 137.
2. SRI. J. MANJUNATH
S/O JAVARAPPA
AGED ABOUT 54 YEARS
R/AT MUDIMADU VILLAGE
KATAVEERANAHALLI POST

Digitally signed
by RUPA V
Location: HIGH
COURT OF
KARNATAKA



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SIRA TALUK 572 125
TUMKURU DISTRICT.

3. THE PRESIDENT
SREE HONNESHWARASWAMY
JEERNADORA TRUST SEVA SAMITHI
SHIVANAGERE.

...RESPONDENTS

(BY SRI. AKARSH KUMAR GOWDA, ADV., FOR R1 & R2)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH AN ORDER DATED 28.10.2022 PASSED BY THE PRINCIPAL CIVIL JUDGE AND JMFC AT MADHUGIRI ON IANO.2 IN OS NO.457/2022 PRODUCED AT ANNEXURE-E & ETC.

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

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL ORDER

This writ petition is filed challenging the order dated 28.10.2022 passed in O.S.No.457/2022 by the Principal Civil Judge and JMFC, Madhugiri (for short, 'the Trial Court').

2. Sri.Surendra Kumar N., learned counsel appearing for the petitioner submits that the petitioner-



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plaintiff has filed a suit against the respondent No.1-defendant No.1 seeking the relief of permanent injunction on the ground that the defendant No.1 is obstructing the plaintiff to discharge the duties as Yajaman of Byadagere Bandi of Sree Honneshwara Swamy Temple, Shivanagere. In the said suit, the respondent No.1 contested the proceedings. The respondent No.2 filed an application to come on record as defendant No.2. The Trial Court, considering the trust deed placed by the respondent No.2 before it, has allowed the application by erroneously recording that the respondent No.2 is a necessary party. It is submitted that the dispute is between the petitioner and the respondent No.1 as the respondent No.1 is obstructing the petitioner from discharging the duties as Yajaman of the temple and no relief is sought against the respondent No.2. However, the Trial Court, without considering any of the aspects, has allowed the application. Hence, he seeks to set aside the impugned order by allowing the writ petition.



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3. *Per contra*, Sri.Akarsh Kumar Gowda, learned counsel appearing for the respondent Nos.1 and 2 supports the impugned order of the Trial Court and submits that the respondent No.2 may not be a necessary party but is a proper party to the suit as the respondent No.2 is a trustee of a Trust which is registered on 07.05.2016 and the object of the Trust is to perform pooja, jatra, nithyotsava, construction of samudaya bhavan and other developmental activities of the temple and in the absence of the respondent No.2, the suit cannot be proceeded as the petitioner is seeking the relief of permanent injunction against the respondent No.1 who is also one of the trustees of the Trust. In support of his contentions, he has placed reliance on the decision of this Court in the case of **SRI.CHINNASWAMY GOWDA Vs. SRI.SHIVARAMU C.M.**¹ and the decision of Hon'ble Supreme Court in the case of **BALURAM Vs**

¹ W.P.No.1621/2022 dt. 13.09.2023



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P.CHELLATHANGAM AND OTHERS² and seeks to dismiss the writ petition.

4. I have heard the arguments of the learned counsel appearing for the petitioner, the learned counsel for the respondents and meticulously perused the material available on record.

5. The petitioner herein has filed a suit against the respondent No.1 for the relief of permanent injunction restraining the respondent No.1, his agents, servants and anybody claiming under him, from interfering with the discharge of duties as Yajaman of Byadagere Bandi of Sri. Honneshwara Swamy Temple, Shivanagere, including administration, management, uthsava, ceremony and other community functions as per the customs of Vanamanvara Kula (Gothra) of Kunchitiga community. In the said suit, the respondent No.1 has contested the proceedings. The respondent No.2 has filed an application

² (2015) 13 SCC 579



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under Order I Rule 10 of the Code of Civil Procedure, 1908 (for short, 'the CPC') seeking impleadment on the ground that the respondent No.2 is the President of Sri. Honneshwara Swamy Jeernodara (Trust) Seva Samithi, Shivanagere, Dodderi Hobli, Madhugiri Taluk, Tumkuru District, and the said Trust is registered on 07.05.2016. The affidavit accompanying the application for impleadment indicates that the object of the Trust is to administer, manage uthsava, ceremonies and other community functions which are held by the said Trust along with the Yajamans. The said application was opposed by the petitioner. The Trial Court, under the impugned order, allowed the application by recording the reason that the respondent No.2 is a Trust registered on 07.05.2016 and the object of the Trust is to perform pooja, jatra, nithyotsava, construction of samudaya bhavan and other developmental activities of the temple and as per the plaint, the plaintiff has sought the relief of permanent injunction against the respondent No.1



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restraining him from interfering with the discharge of duties of the plaintiff as Yajaman as well as other rituals of the temple and further recorded that the entire administration vested with the Trust and the relief sought by the plaintiff is with regard to Sri Honneshwara Swamy Temple, Shivanagere, and for the effective adjudication, the proposed defendant No.2-respondent No.2 is a necessary party.

6. It is to be noticed that the petitioner had made a specific assertion in the plaint that there are only 5 Yajamans who have certain rights to perform the pooja as well as uthsava activities of the temple. The petitioner had made a further assertion in the plaint that the petitioner is one among the Yajamans and the respondent No.1, without any manner or right, is interfering with the performance of the duties of the petitioner as Yajaman in violation of the judgment and decree passed in O.S.No.25/1984. The relief sought in the plaint by the



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petitioner is for permanent injunction against the respondent No.1 on the premise that he is obstructing the performance of duties of the petitioner as Yajaman in the said temple. In order to seek the said relief, the petitioner is required to establish the fact that he is one among the 5 Yajamans and he is performing the duties in the said temple and by considering the defence of the respondent No.1, the Trial Court would proceed to pass the order on the relief sought by the petitioner. The respondent No.2 herein is claiming to be the President of the Trust and asserts that the Trust was created for the purpose of the development of the temple and the said Trust is administering the management of the temple. The said assertion of the respondent No.2 is only a self-assertion and if the respondent No.2 had any right under the trust deed, it is always open for the respondent No.2 to enforce such right in accordance with law and cannot compel the petitioner to add them as a party to the suit as no relief is sought against the said Trust. The respondent No.2 is



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making a self-assertion that the Trust is created to perform the pooja and other activities of the temple and they are performing the duties. If such an assertion is correct, nothing has prevented them from performing such duties but, they cannot be permitted to come on record in a suit filed by the petitioner seeking a specific prayer of permanent injunction against the respondent No.1.

7. The decisions relied on by the learned counsel for the petitioner are the cases where the Hon'ble Supreme Court and this Court have interpreted Order I Rule 10(2) of the CPC, and held as to who are the proper and necessary parties to decide the suit. It is to be noticed that in the absence of the respondent No.2 herein, the suit can be adjudicated. Hence, the said decisions have no application to the facts and circumstances of the case.



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8. Hence I proceed to pass the following:

ORDER

- (i) The writ petition is allowed.
- (ii) The impugned order dated 28.10.2022 passed in O.S.No.457/2022 by the Principal Civil Judge and JMFC, Madhugiri, is set aside. Consequently, the application filed by the respondent No.2 is rejected.

No order as to costs.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

RV
List No.: 1 Sl No.: 33