



CNR: KAHC010609512026

NC: 2026:KHC:49497
MFA No. 6366 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

MISCELLANEOUS FIRST APPEAL NO.6366 OF 2026 (AA)

BETWEEN:

SRI SHWETHAMBAR STANAKVASI
BAWEES SAMPRADAYA JAIN SANGHA (TRUST)
A PUBLIC RELIGIOUS AND CHARITABLE TRUST
CONSTITUTED UNDER THE DEED OF DECLARATION
DATED 11.03.1947 READ WITH THE
REGISTERED DEED OF TRUST DTD 14.11.2011,
HAVING ITS OFFICE AT GANESH BAGH,
NO.9 (OLD NO.7), BHAGAWAN MAHAVEER ROAD
(INFANTRY ROAD), BENGALURU - 560 001,
REP BY THE PRESIDENT OF ITS
MANAGING COMMITTEE ELECTED ON
05.07.2026, SRI M. PARASMAL ROONWAL.

...APPELLANT

(BY SRI ANGAD KAMATH, ADVOCATE)

AND:

1. SRI P LALCHAND MANDOTH
AGED MAJOR, ERSTWHILE
OFFICE-BEARER OF THE APPELLANT TRUST,
HAVING HIS ADDRESS FOR SERVICE AT
GANESH BAGH, NO.9 (OLD NO.7),
BHAGAWAN MAHAVEER ROAD
(INFANTRY ROAD),
BENGALURU 560 001.
2. SRI C.SAMPATHRAJ MANDOTH,
AGED MAJOR, ERSTWHILE
OFFICE-BEARER OF THE APPELLANT TRUST,
HAVING HIS ADDRESS FOR SERVICE AT
GANESH BAGH, NO.9 (OLD NO.7),
BHAGAWAN MAHAVEER ROAD
(INFANTRY ROAD), BENGALURU 560 001.

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by ANUSHA V
Location: High
Court of
Karnataka



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3. SRI P.SUDARSHAN KUMAR,
AGED MAJOR, ERSTWHILE
OFFICE-BEARER OF THE APPELLANT TRUST,
HAVING HIS ADDRESS FOR SERVICE AT
GANESH BAGH, NO.9 (OLD NO.7),
BHAGAWAN MAHAVEER ROAD
(INFANTRY ROAD),
BENGALURU 560 001.
4. KOTAK MAHINDRA BANK LIMITED,
INFANTRY ROAD BRANCH,
NO.9 (OLD NO.7),
SRI VARDHAMAN MAHAVIR
JAIN SANGHA, INFANTRY ROAD,
BENGALURU - 560001,
REP BY ITS BRANCH MANAGER.
(BANKER OF THE APPELLANT TRUST;
ARRAYED FOR THE LIMITED PURPOSE OF
EFFECTUATING THE INTERIM RELIEF;
NO SUBSTATIVE RELIEF CLAIMED)
5. BANK OF BARODA,
INFANTRY ROAD BRANCH,
BENGALURU - 560 001,
REP BY ITS BRANCH MANAGER.
(BANKER OF THE APPELLANT TRUST;
ARRAYED FOR THE LIMITED PURPOSE OF
EFFECTUATING THE INTERIM RELIEF;
NO SUBSTATIVE RELIEF CLAIMED)

...RESPONDENTS

[BY SRI ABHINAV R., ADVOCATE FOR R1 & R2;
SRI A.MUNIREDDY, ADVOCATE FOR R3 (VC);
SRI SREENIDHI, ADVOCATE FOR
SRI JAI M.PATIL, ADVOCATE FOR R4;
SRI L.HARISH SRIVATSA, ADVOCATE FOR R5]

THIS MFA IS FILED U/S.37(1)(b) OF THE ARBITRATION AND CONCILIATION ACT, 1996, AGAINST THE JUDGMENT DT. 28-08-2026 PASSED IN A.A.NO.53/2026 ON THE FILE OF THE LXII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU ALLOWING THE PETITION FILED U/S.34 OF THE ARBITRATION AND CONCILIATION ACT.



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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 order dated 28.08.2026 passed by XLII
Additional City Civil and Sessions Judge, Bengaluru (CCH-43) in
Arbitration Application no.53/2026, this appeal was filed.

2. Sri Angad Kamath, learned counsel for appellant
submitted that applicant was a Public and Religious Charitable
Trust constituted under Deed of Declaration dated 11.03.1947
and Deed of Trust dated 14.11.2011. It was submitted, OS
no.5339/2026 was filed to declare Election of defendants and
other persons as office bearers of Trust as illegal and not
binding on it and as well as for permanent injunction against
defendants from interfering with administrative functions of
Trust etc. In said suit, an order was passed on 25.07.2026 on
IA no.I granting *ex-parte* order of temporary exemption.
Assailing same, MFA no.5524/2026 was filed before this Court.
This Court on 12.08.2026, allowed appeal in part and remitted
matter back to trial Court for fresh consideration by making



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observations about temporary injunction till then. In meanwhile, though applicants were hoping for consideration of fresh orders by Civil Court in OS no.5339/2026, on 20.08.2026, learned trial Judge passed order on IA no.II disposing of suit by holding that dispute was subject to an arbitration agreement and directing parties to avail arbitration.

3. It was submitted that in pursuance said order, appellant herein had filed an application before Bank for permitting withdrawal for disbursal of routine expenses. In response, Bank informed that in view of dispute in Managing Committee, it could not permit anyone to operate account and debit freezed same pending adjudication by Competent Court. It was submitted that since holy period of chaturmas was in progress and activities of Trust required funds, debit freezing of accounts of Trust would have an effect on same, a petition under Section 9 of Arbitration and Conciliation Act, 1996 ('Act') in Arbitration Application no.53/2026 was filed on 27.08.2026 along with IA no.I seeking *ad-interim* direction to receive and deposit rents, disburse payments of ongoing religious functions, staff salaries and for other essential maintenance works of



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Trust etc. On said application, impugned order came to be passed.

4. It was submitted, in Election held on 05.07.2026, a New Management Committee was elected. Said Managing Committee was seeking to exercise its power and manage affairs of Trust, but earlier Managing Committee was claiming to have continued. It was submitted apart from regular work of Trust it was required to manage religious activities during chaturmas and for which, it required expend money on daily basis. Despite lapse of 60 days of said period and bills mounting, Trust was unable to access money from its account to disburse same. Under above circumstances, refusal to grant interim order on application by trial Court would further delay or dilate proceedings and effect Trust activities and therefore, sought for setting aside of order and for grant of interim prayer as sought in IA no.I and permit Trust to operate A/c. no.165011028743 with respondent no.4 - Kotaka Mahindra Bank Ltd., and A/c. no.109301011001832 with respondent no.5 - Bank of Baroda



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5. On other hand, Sri Abhinav Ramanand, learned counsel submits that he has instructions to appear for respondents no.1 and 2 and Sri A. Muni Reddy, learned counsel appeared through Video Conferencing and submitted that he has instructions to appear for respondent no.3 herein as well as in Arbitration Application.

6. Smt.Shreedevi, learned counsel appearing for Sri Jai M. Patil, advocate submitted that he has instructions to appear for respondent no.4 - Kotak Mahindra Bank Ltd. before this Court and has entered appearance for Bank in Arbitration Application.

7. Sri L. Harish Srivatsa, learned counsel submitted that he has instructions to appear for respondent no.5 - Bank of Baroda and has entered appearance for Bank in Arbitration Application.

8. At outset, learned counsel for respondents submitted that matter was pending consideration before trial Court and no adverse order was passed to invite appeal. It was submitted that respondents were ready to cooperate for early



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orders on IA no.I in Arbitration Application and parties relegated to trial Court by fixing date for passing orders on application.

9. It was submitted that reason assigned by trial Court for issuing emergent notice was that caveat petition was filed and Court had decided application filed by Trust under Section 8 of Act and directed it to avail arbitration could not be objected to. On said ground submitted that appeal was without merit and sought dismissal.

10. Learned counsel for appearing for respondent no.3 would concur with submission of counsel for respondents no.1 and 2 and specifically submitted that he would enter appearance and co-operate for early orders on IA no.I.

11. Heard learned counsel and perused impugned order.

12. On an earlier occasion, this Court had noted need for urgent adjudication of claims of parties in view of prevalence of chaturmas and directed early orders on applications, so that activities of Trust including religious



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activities are not adversely affected. Taking note of stage of proceedings and circumstances, it is found necessary to emphasize said need even more in this case. However, since IA no.I in Arbitration Application no.53/2026 is pending before trial Court and learned counsel for respondents have undertaken to co-operate for early orders on said application while weighing need for urgent orders as propounded by appellant herein, this Court finds it appropriate to dispose of appeal by directing trial Court to hear both parties and to pass orders on IA no.I within 10 days from today.

13. Counsel would be at liberty to bring this order to notice of Court for preponement of date of hearing. It is also found appropriate to record undertaking of Sri A. Muni Reddy, counsel for respondent no.3 herein that he has instructions to appear for respondent no.3 in Arbitration Application and there would be no need for trial Court to await service by regular mode.

14. With above observations, appeal is ***disposed of***.



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In view of disposal of appeal, pending applications, if any,
stands dismissed.

All contentions of both parties kept open.

Sd/-
(RAVI V HOSMANI)
JUDGE

GRD
List No.: 1 Sl No.: 2