HC-KAR

NC: 2026:KHC:61117
CRP No. 462 of 2026

CNR: KAHC010329392026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CIVIL REVISION PETITION NO. 462 OF 2026 (M)

BETWEEN:

1. SHREE BHAVANARUSHI
PADMAPEETHA MAHASAMSTHANA (R)
NO. 16, 5TH MAIN,
AGRAHARA DASARAHALLI,
BASAVESHWARANAGAR,
BENGALURU-560 079
REPRESENTED BY ITS
GEN. SECRETARY,
MR. B. P. GOPIKRISHNA
CORRESPONDENCE ADDRESS
NO. 87/1, 5TH CROSS,
RAMADASA LAYOUT,
JAVAREGOWDA NAGARA,
R.R. NAGAR, BENGALURU SOUTH,
BENGALURU-560 098

Digitally signed by SUVARNA T
Location: HIGH COURT OF KARNATAKA

2. SHRI D. KRISHNIAH
AGED ABOUT 77 YEARS,
PRESIDENT SREE BHAVABARUSHI
PADMAPEETHA MAHASAMSTHANA(R),
NO. 16, 5TH MAIN, AGRAHARA DASARAHALLI,
BASAVESHWARANAGAR,
BENGALURU-560 079

CORRESPONDENCE ADDRESS
NO. 87/1, 5TH CROSS,
RAMADASA LAYOUT,
JAVAREGOWDA NAGARA,
R.R. NAGAR, BENGALURU SOUTH,

BENGALURU-560 098

3. SHRI D. SRIIVASAMURTHY
S/O LATE DASAPPA,
TRUSTEE OF SHREE KALYANA
VENKATESHWARASWAMY
TEMPLE TRUST (SKVVT)
NO. 24, 8TH CROSS,
AGED 77 YEARS,
NEAR MARAMMA TEMPLE, MAGADI ROAD,
BENGALURU-560 023

4. SHRI D. HARISH
S/O LATE R. DASAPPA,
AGED 53 YEARS,
TRUSTEE OF SHREE KALYANA
VENKATESHWARASWAMY
TEMPLE TRUST(SKVVT)
NO. 11, 2ND CROSS,
PS. LANE, COTTONPETE,
BENGALURU-560 053

…PETITIONERS

(BY SRI. DANAPPA P PANIBHATE, ADVOCATE)

AND:

1. SHRI N GANESH
S/O LATE K. P. M. NANJAPPA
AGED 61 YEARS
NO. 1350, 10TH MAIN, VIJAYANAGAR
BENGALURU-560 040

2. SHRI PRAKASH K.
S/O KODANDARAMAIAH
AGED 65 YEARS
NO. 552, 6TH CROSS,
9TH BLOCK, NAGARABHAVI 2ND STAGE,
BENGALURU-560 072

3. SHRI V. R. SRIDHARA

S/O RAMAIAH VENKATARAMAIAH
AGED71 YEARS NO 366,
MATHRUSHREE NILAYA,
57TH C CROSS, NEAR RAMAMANDIR TEMPLE,
RAJAJINAGAR, 3RD BLOCK,
BENGALURU-560 010

4. SHRI. GOVARDHANA
S/O U. L. SRINIVASAIAH
AGED ABOUT 66 YEARS
NO. 259/A, 3RD MAIN,
5TH CROSS, 1ST STAGE,
6TH PHASE, WOC ROAD,
MAHAGANAPATHINAGAR,
RAJAJINAGAR
BENGALURU-560 010

5. SHRI T. NARAYANA MURTHY
S/O THIMMARAYAPPA H.
AGED ABOUT 73 YEARS
NO. 342, 2ND FLOOR,
6TH MAIN, KHB COLONY,
1ST STAGE, BASAVESHWARANAGAR
BENGALURU-560 079

…RESPONDENTS

(BY SRI.M.R.RAJAGOPAL, SENIOR COUNSEL FOR
SRI. ANAND P., ADVOCATE)

THIS CRP FILED U/S. 115 OF CPC PRAYING TO SET ASIDE THE ORDER DATED 29.04.2026, PASSED BY THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT, IN MISC. PET NO. 148/2025 ALLOWING THE PETITION FILED BY RESPONDENTS / PETITIONERS AS BEING WITHOUT JURISDICTION AND NOT MAINTAINABLE IN LAW AND DISMISS THE SUIT OS NO. 5/25.

THIS PETITION HAVING BEEN HEARD AND RESERVED ON 31.08.2026, COMING ON FOR PRONOUNCEMENT OF ORDER THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CNR: KAHC010329392026

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CAV ORDER

The present Civil Revision Petition is filed aggrieved by the order dated 29.04.2026 passed in Civil Misc.No.148/2025 by the Principal District and Sessions Judge, Bengaluru Rural District, Bengaluru, whereby the Court had granted permission under Section 92 of the CPC.

2. The respondents herein have filed the suit against the petitioners herein seeking the relief of declaration that the cancellation of the Lease Deed dated 22.09.2025 executed by respondent Nos.1 and 2 in the office of the Sub-Registrar, Nagarabhavi, thereby cancelling the lease deed dated 29.03.2023 as null and void and non-est document and the same is not binding on the petitioner and also for declaration of registered amended Trust Deed dated 28.10.2025 inserting certain amendments and clause No.C (d) of the Trust Deed dated 02.12.2022, expelling/removing petitioner Nos.1 to 5 from the Trust and nominating/appointing respondent Nos.1, 2 and 4 as Trustees as illegal, null and void and not binding on

the petitioner as the same is contrary to the provisions of the Trust Deed dated 02.12.2022 and for consequential relief of permanent injunction against the respondents therein and they have sought for leave of the trial Court.

3. The trial Court by order impugned had granted leave. While granting the leave, the trial court had observed that a plain reading of the section made it clear that the petition can be filed only if the following conditions exist:

i) There should be a Trust for public purpose either of religious or charitable nature;

ii) Suit should be of a representative character seeking to enforce public rights and not individual rights;

iii) Minimum number of persons to join as plaintiffs is two;

iv) The suit must rest on an alleged breach of circumstances insisting to issue of direction of the court for proper administration of the Trust;

v) Relief sought must fall within one or more clauses enumerated under Section 92(1) of the CPC.

4. In the case, the allegation of the petitioner is that the respondents Trust had amended the Trust Deed and removed the petitioners from membership illegally. However, it is the contention of the respondents that they have removed legally. To strengthen their contention, they relied upon the letter dated 24.03.2025, which shows that the complaint was signed by 180 members making allegations against the petitioners. Another document is dated 08.05.2025, which is the notice given to Ganesh, Prakash, Sridhar, Govardhan, and Narayanamurthy, stating that their membership is going to be suspended as there is a misuse of their trust. Another document is the letter written to the Chairman regarding amendment to the trust deed issued by Ganesh dated 12.06.2025. Another notice was sent to the petitioners. The cancellation of the lease deed is also produced. The proceedings of the committee amending the trust deed and the order passed in the writ petition are produced. In this case, on perusal of the material available on record, even though the respondents have produced the notices regarding intimation towards termination of the lease, but these aspects have to be

decided before the Court. There is a mistake crept in that without disposing of the petition, the suit came to be registered. However, there is a direction by the High Court of Karnataka to dispose of the application first, since there is material to show that these Trustees were removed by the respondents from the trusteeship. Whether that removal is legal or not, whether the amendment is properly done or not are all to be decided in a full fledged trial. Hence, it is just and necessary to give permission to sue as per Section 92 of the CPC, since it is a public trust. The provisions of Section 92 of the CPC are to be invoked; hence, the petition is to be allowed, and accordingly the trial Court had granted permission. Aggrieved thereby, the petitioners are before this Court.

5. The learned counsel appearing for the petitioners submits that there is a jurisdictional error in granting of leave under Section 92 of CPC. It is submitted that the impugned order dated 29.04.2026 is vitiated by a fundamental jurisdictional error, as the learned judge has exercised jurisdiction not vested in it by law by granting leave under Section 92 of CPC without recording satisfaction of the

mandatory statutory conditions. The jurisdiction under Section 92 of CPC arises only upon the Court being satisfied that the suit relates to a public trust, that there exists a breach of trust or necessity for court intervention and the proceedings are representative in nature. The Court has failed to follow the procedure. He relied on the judgment of the High Court in ***S. Panchalingu & Others v. People's Education Trust & Others***[1]. It is submitted that the Court has exercised the jurisdiction mechanically and passed a non-speaking order, and that the suit falls under Section 92 of the CPC, and there is a misapplication of Section 92 of CPC to the private dispute. The learned counsel submits that this order of the trial Court is contrary to the settled law. Hence, the relief as sought does not fall under Section 92 of the CPC and the same needs to be set aside.

6. Learned Senior counsel representing learned counsel for the respondents had argued at length and also placed before the Court their written submissions and it is stated that, admittedly, the plaintiffs and defendants are the

[1] WP No.16971/2025

trustees. In the Trust Deed at Sl.No.1 to 6 are plaintiff Nos.1 to 6 in the suit and defendant Nos.1 to 3 are also the parties in the original trust deed. In the trust deed, at Chapter 8 sub para 6, a caption known as cessation of trusteeship is provided. Then Chapter 9 deals with expulsion. At Chapter 13, the dissolution of trust and the manner followed for amendment of the trust is provided. All these captions are provided. It is submitted that defendant No.1 is a registered society under the Societies Registration Act. The society was established or composed with an object of bringing the members of the community by the name Padhmashaali Community to the mainstream of society economically, socially, educationally, culturally, and in public employment. By the amended trust deed, certain overreaching acts have been culminated which on its looking, both on its face as well as in depth amounts to breach of the trust. It is submitted that the law is well settled as to what is required to be followed and what essential requirements to be noticed for the purpose of granting leave by the courts in a suit under Section 92 of CPC, time and again

explained by the Apex Court through consistent pronouncements.

7. Learned counsel for the respondents had relied on the following judgments of the Hon'ble Apex Court:

i. ***R.M.Narayana Chettiar and Anr Vs. N Lakshman Chettiar and others[2],*** he relied on paragraph Nos.6, 11 to 17.

ii. ***Operation Asha Vs. Shelly Batra and Others[3],*** he relied on paragraph Nos.18, 141, 142, 158, 144 to 157, 158.1, 158.19, 158.20.

iii. ***Kattukandi Edathil Krishnan & Anr. Kattukandi Edathil Valsan & ors.[4]***

Relying on this, it is submitted that the trial Court had rightly considered and granted leave, and no interference is called for from this Court.

8. Having heard the learned counsel for the petitioners and learned Senior Counsel representing the learned counsel

[2] (1991) 1 SCC page 48
[3] (2026) 1 SCC 569
[4] (2022) 16 SCC 71 para 75

for the respondents, perused the entire material on record. The question that arises for consideration is:

> ***"Whether the suit seeking a declaration concerning the validity of a lease deed and an amendment to the Trust Deed, together with a permanent injunction, can be treated as a representative suit concerning the administration of a public trust so as to attract Section 92 of CPC?"***

9. Section 92 of CPC is a special provision intended to protect public charitable and religious trusts. It enables the court to grant specified reliefs in cases of alleged breach of an express or constructive trust created for a public charitable or religious purpose, or where the court's directions are considered necessary for the administration of such a trust. The provision does not confer a general jurisdiction to entertain every dispute arising in relation to a trust. Its application is subject to certain essential requirements. A trust must be one created for a public charitable or religious purpose. The suit must concern an alleged breach of trust or directions regarding its administration. It must be instituted in the manner prescribed by the provision, and the relief claimed must fall within the scope of Section 92.1 of CPC. These requirements are not merely procedural. They determine whether the suit is

of the special representative character contemplated by Section 92 of CPC. The fact that the dispute involves the trust, its trustees, or its property does not, by itself, attract the provision. Section 92.1 of CPC specifies the reliefs which may be granted, including removal of a trustee, appointment of a new trustee, vesting of property in a trust, directions concerning accounts and inquiries, declaration of the proportion of trust property or income to be allocated to particular objects, authorization of sale, mortgage, exchange, or lease of trust property, and settlement of a scheme, and such further or other reliefs as the nature of the case may be. The expression such further or other reliefs occurring in clause-H cannot be read independently of the preceding clauses. It must be understood in the context of the purpose of Section 92 of CPC and the nature of the reliefs specifically enumerated. The provision cannot be expanded to include every declaration or injunction merely because it concerns the affairs of a trust. The distinction between a suit brought for the administration of a public trust and a suit brought to enforce an individual right has been consistently recognized by the Hon’ble Supreme Court.

10. In ***Swami Parmatmanand Saraswath Vs. Ramji Tripathi[5],*** the Supreme Court explained that a suit indicating the personal rights of an individual does not fall within Section 92 of CPC, even though the dispute may relate to a public trust. The Court emphasizes that the substance of the relief claimed and the purpose of the proceedings are determinable. In ***Vidyodaya Trust Vs. Mohan Prasad R & Ors[6],*** the Supreme Court reiterated that the Court must examine the real object of the suit, not merely the language employed in the plaint, where the primary purpose is to enforce a personal or individual right. These decisions established that jurisdiction under Section 92 of CPC is not attracted merely because allegations of illegality, mismanagement, or irregularity are made against trustees. Such allegations must be connected with a suit genuinely instituted for the protection or administration of the public trust and seeking relief contemplated by the provisions. The principal relief sought by the plaintiff is a declaration that the amendment to the registration trustee, by which they were expelled from the

[5] (1974) 2 SCC 695
[6] (2008) 4 SCC 115

trust, and the appointment of the defendants as trustees are null and void and not binding upon them. The nature of this relief requires careful consideration. The plaintiff does not seek an order removing the defendants as trustees on the ground that their continuation is detrimental to the administration of the trust, nor does the plaintiff seek the court's appointment of trustees for the proper management of the institution. The challenge is directed against the amendment already effected to the trust deed on the ground that it will unlawfully deprive the plaintiff of their position in the trust. The distinction is fundamental. Section 92(1)(a) of CPC empowers the court to remove a trustee in proceedings properly instituted for the protection or administration of a public trust. Section 92(1)(b) of CPC similarly provides for the appointment of a new trustee.

11. A suit seeking a declaration that an amendment to the trust deed is invalid because it resulted in the plaintiff's expulsion is not equivalent to a suit seeking the removal or appointment of a trustee under these provisions. The relief must be understood with reference to the right the plaintiff seeks to enforce. If the amendment is declared invalid, the

consequences may be that the plaintiff's claim to possession in the trust is restored and the appointment of the defendants under that amendment is effected. However, the legal consequences of a declaration cannot be substituted for the actual relief sought to bring the suit within Section 92 of CPC. A person who asserts that he has been unlawfully removed from the office of trustee may have a right to challenge such removal before a competent civil court. Whether the amendment was authorized by the original trustee, whether the prescribed procedure was followed, and whether the defendants were validly appointed are matters capable of adjudication. But the availability of such questions for adjudication does not necessarily mean the proceedings are representative proceedings under Section 92 of CPC. The trial court went wrong in deciding this and holding that it is a public trust and the defendants are entitled to permission to prosecute the suit in representative capacity. The words 'null and void and not binding on the plaintiffs' are significant. They indicate that the declaration is sought with reference to the legal rights claimed by the plaintiffs themselves. The grievance is not that the Court

must intervene to reorganize the administration of the trust for the benefit of its beneficiaries, but the defendants have, through an amendment, deprived the plaintiffs of their claimed possession. The mere fact that the amendment concerns the composition of the trust does not alter the character of the claim. Hence, it will not fall under Section 92 of CPC.

12. The plaintiffs have also sought a declaration that the lease deed executed by the defendant is null and void. Even that will not fall under Section 92 of CPC. A transaction involving trust property may undoubtedly be questioned where it is alleged to constitute a breach of trust. In a properly constituted suit under Section 92 of CPC, a declaration concerning such a transaction may, depending on the current circumstances, be considered ancillary relief necessary for the effective administration of the trust. However, a standard prayer declaring a particular lease deed void does not automatically bring the suit within the ambit of Section 92 of CPC.

13. The plaintiff has also sought for a permanent injunction. When deciding an application for leave, the Court is

not required to determine whether the impugned amendment is valid, whether the plaintiffs were properly expelled, or whether the defendants were competent to execute the lease deed. Those questions belong to the merits of the dispute. The Court is required to examine the averments in the plaint and whether the nature of the rights asserted falls under Section 92 of the CPC.

14. In the present case, as discussed in the preceding paragraphs, the suit does not fall within the ambit of Section 92 of the CPC. The trial Court, while granting leave, failed to give due effect to the distinction between a suit seeking protection of the public trust and a suit seeking enforcement of the plaintiff's individual rights arising from the trust deed. The nature of the leave claimed does not justify treating the proceedings as a representative suit under Section 92 of the CPC. Accordingly, this court is passing the following:

ORDER

i. The order dated 29.04.2026 passed in Civil Misc.No.148/2025 by the Principal District and Sessions Judge, Bengaluru Rural District,

Bengaluru, is ***set aside***, and the Civil Revision Petition is ***allowed***.

ii. It is made clear that this court has not expressed any opinion on the merits of the matter and all the questions are left open for determination in appropriate proceedings in accordance with law.

iii. All I.As. in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

PKN
List No.: 1 Sl No.: 4
*MR