

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.9645 OF 2024
(@ SLP(C) No. 20446 of 2017)

SREE SREE SREE SADGURU MAHADEVATHATHANAVARA
PRASADA NILAYA TRUST (R) & ORS.

APPELLANT(S)

VERSUS

B.K. MANJUNATH & ORS.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. This case has got a chequered history. We are dealing with a third round of litigation. In the second round of litigation, a Division Bench of the Karnataka High Court gave liberty to the parties to file an appropriate application in the earlier suit decreed based upon a compromise entered, pursuant to which a scheme was drawn. Now, the respondents have filed a third suit *inter alia*

contending that they were not a party in the earlier two suits. The Trial Court has rightly dismissed the suit on the premise that what the respondents can only do, is to file an application in the first suit, wherein a scheme was drawn.

3. On an appeal, the High Court while exceeding its jurisdiction decreed the suit by drawing its own conclusion. It found fault with the earlier Division Bench judgment of the High Court, and incidentally directed the District Judge concerned to take over the administration, which was followed by certain directions being issued.
4. The narration of the aforesaid facts would be sufficient enough to set aside the impugned judgment. Suffice it is to state that the only remedy open to the respondents is to file an appropriate application in OS No.1/1991 whereby a scheme has been drawn based upon a compromise decree.
5. Accordingly, the impugned judgment stands set aside giving liberty to the respondents to work out the remedy as aforesaid. Needless to state that the directions issued by the High Court in the impugned judgment are also set aside. The status quo shall be maintained by the parties for a period of four weeks. We further make it clear that our order regarding continuation of status quo

for four weeks will not have any bearing on the Trial Court to pass such interim order as it deems fit. All the issues are left open, including the maintainability of the application to be filed by the respondents.

6. The appeal stands allowed accordingly.
7. Pending application(s), if any, shall stand disposed of.

.....J .
[M.M. SUNDRESH]

.....J .
[ARAVIND KUMAR]

NEW DELHI;
12th AUGUST, 2024

ITEM NO.56

COURT NO.13

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 20446/2017

(Arising out of impugned final judgment and order dated 15-06-2017 in MFA No. 102854/2014 passed by the High Court of Karnataka Circuit Bench at Dharwad)

SREE SREE SREE SADGURU MAHADEVATHATHANAVARA
PRASADA NILAYA TRUST (R) & ORS.

Petitioner(s)

VERSUS

B.K. MANJUNATH & ORS.

Respondent(s)

Date : 12-08-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) Mr. Basava Prabhu S. Patil, Sr. Adv.
Mr. V. N. Raghupathy, AOR

For Respondent(s) Mr. Aljo K. Joseph, AOR
Mr. Vinay Kumar Puvvala, Adv.
Mr. Santosh Kumar Kolkonda, Adv.
Mr. Ranjan Kumar, Adv.
Mr. Abhinav P Dhanodkar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(SWETA BALODI)
COURT MASTER (SH)

(POONAM VAID)
COURT MASTER (NSH)

(Signed order is placed on the file)