

421/59

# Certificate of Registration



E-105 (10/2) NO 69408

It is hereby certified that the Public Trust described below has this day been duly registered under the Bombay Public Trusts Act, 1950 (Bom. XXIX of 1950), at the Public Trusts Registration Office, Belgaum Region

Name of Public Trust Shri. Raju Rajendraji Vidya Sarvaswathi  
of ~~Belgaum~~ Sandu P.O. Dist. Sirsi.  
Number in the Register of Public Trusts E-105 (10/2)

Certificate issued to Shri. Sarvejendra  
Sarveshwar Swamiji

Given under my hand, this 8th day

of February 1950

Signature Bhoinchari Shri

Designation Asst. Charity Commr. Sirsi



11-5-64  
CE NO. 268/2019

Smt. Usha Ankal

### Order Sheet

In the Court of: Senior Civil Judge and Pr. JMFC, SIRSI

UTTARA KANNADA

Filing No. : Misc/3/2017

Registration No.: Misc/3/2017

Main Matter:

Petitioner

Vs

Opponent

1) Shri. Swarnali Mahasamsthanam rep. by  
Shrimad Gangadharendra Saraswati  
Mahaswamiji, Sirsi

2) Narayan Ganapati Hegde, 60yrs, Bhatrakeri,  
Tudaguni, Tq. Yellapur

3) Shivaram S/o Subrey Bhat, 52yrs, Dombesar,  
Isalur, Sirsi

4) Gopal Krishna Valdy, 55yrs,  
Mundaganamane, Sirsi

5) M.G. Hegde, Gadimane,  
Girnaodini 65yrs, Khurse compound, 3rd cross,  
Banayasi road, Sirsi

6) Ganapati Bhat, 52yrs, Kibballi, Urtota, Sirsi

7) K.B. Lokesh, 48yrs, Pragari traders, New  
Market Yard, Sirsi

8) Vinay S/o Venkatraman  
Hegde, 48yrs, Chowkmath, Sirsi

9) R.S. Hegde Bhairumbe, 68yrs, Bhairumbe,  
Sirsi

Nature of Case: Miscellaneous

Provision of Law: Sec. 7 of the Charitable and Religious Trust Act 1920

Advocate For Petitioner Sri/Smt. Usha Ankal

Date of Filing : 17-07-2017

Date of Registration : 18-07-2017

Relief :

It is prayed that the petitioners be declared to be trustees of  
Shri Rajeshwari Vidya Samsthe for the period of 5 years from 14--  
-16 to 14-9-21 direction may kindly be given to the petitioners to  
manage and administer the activities of the trust in accordance  
with the bye law and the law applicable to the trust.

Purpose	Mode	Bank Name	Amount
Receipt No. : 243/2017-2018 Date : 18-07-2017	Court Fee on pe...	Cash	100.00

  
CAO/CMO

Registered and Put up/Made Over this case to the CIVIL JUDGE (SR. DN.) and Pr.  
JMFC SIRSI court for disposal according to law.

1) NIL  
Certified copy contains 2 pages  
Court fee of Rs. 2/- on it to be  
collected and affixed herewith

EXAMINED  
by Judge's Court

CE NO. 2475, 2526/18-19



(Judgement pronounced in the open court, vide separate order)

**ORDER**

Petition filed by the petitioners No. 1 to 9 is allowed. They are declared as trustees of Shri. Rajeshwari Vidya Samsthe as prayed.

Consequentially petitioners being the trustees are hereby directed to look after the proper management of the Samsthe, proper administration of the trust properties as per <sup>by</sup> law annexed to the petition. The said by law forms part and parcel of the order.

Further the petitioners being the trustees of Shri. Rajeshwari Vidya Samsthe', U.K. District shall furnish the periodical account of the trust and shall conduct periodical audit of the accounts of the trust and furnishing same.

Certified that this is a true and accurate copy of the Original All the matter appearing in Original has been faithfully copied with no modification.

*31/12/19*  
Senior Civil Judge, Sirsi.



*CC*  
Examiner  
Court of the Sr. Civil Judge  
& Prt. J.M.F.C., Sirsi

copy applied on *31/12/19*  
1. Sheets/Statements Required to be produced on *31/12/19*  
1. Copying charges/stamps produced on *31/12/19*  
1. Applicant required to be appraised on *11/13/19*  
1. Applicant appeared on *25/12/19*  
1. Copy Ready on *25/12/19*  
1. Copy delivered on *25/12/19*  
1. Examined by *CC*

**IN THE COURT OF THE SENIOR CIVIL JUDGE, SIRSI,**

**AT: SIRSI,**

**Present: Smt. Sunitha,**  
B.Com., LL.M.PGDFsc  
Senior Civil Judge & Addl. M.A.C.T.Sirsi.

**T. Misc. No. 3 / 2017**

**Dated: 20<sup>th</sup> day of February 2019**

- Petitioners:**
1. Sri. Shrimad Gangadharendra Saraswati  
Mahaswan<sup>ji</sup>  
Sri. Swarnalli Mahasamsthanam  
Po: Mathadevala, Tq.: Sirsi.  
Dist: North Kanara
  2. Narayan Ganapati Hegde,  
Age: 60, Occ: Agriculturist,  
R/o Bhatrakeri, Po: Tudaguni,  
Tq.: Yellapur.
  3. Shivaram S/o Subray Bhat,  
Age: 52, Occ: Agriculturist,  
R/o: Dombesar, Po: Isalur,  
Tq.: Sirsi.
  4. Sri. Gopalakrishna Vaidya,  
Age: 55, Occ: Agriculturist,  
R/o: Mattigatta, Mundaganamane,  
Tq.: Sirsi.
  5. Sri. M.G. Hegde, Gadimane, 'Girinandini',  
Age: 65, R/o: Khurse Compound  
3<sup>rd</sup> Cross, Banavasi Road, Tq: Sirsi.
  6. Sri. Ganapati Bhat,  
Age: 52, Occ: Agriculturist,  
R/o: Kibballi, Po: Urtota, Tq: Sirsi.

File examined copy submitted  
to court fee of Rs. 100/-  
collected and certified herewith  
20/02/2019  
S. K. J. JUDGE  
Senior Civil Judge  
Sirsi



7. K.B. Lokesh,  
Age: 48, Occ: Business,  
R/o: Pragati Traders,  
New market Yard, Sirsi.
8. Vinay S/o Venkatraman Hegde,  
Age: 48, Occ: Business,  
R/o: Chowkimath, Sirsi.
9. R.S.Hegde, Bhairumbe,  
Age: 68, Occ :Agriculture,  
R/o: Bhairumbe, Tq: Sirsi.

(By: Sri. A.R.Hegde, Adv)

V/S-

Respondent: -Nil-

Date of institution of petition	17-07-2017						
Nature of petition	For dissolution of marriage						
Date of commencement of recording evidence	19-02-2019						
Date on which the judgment was pronounced.	20-02-2019						
Total duration	<table border="1"> <thead> <tr> <th>Year</th> <th>Months</th> <th>Days</th> </tr> </thead> <tbody> <tr> <td>-01-</td> <td>-07-</td> <td>-03-</td> </tr> </tbody> </table> <p>(Smt. Sumtha, Senior Civil Judge, Sirsi.</p>	Year	Months	Days	-01-	-07-	-03-
Year	Months	Days					
-01-	-07-	-03-					

### JUDGEMENT

This petition is filed by petitioners Under Sec. 7 of the Charitable and Religious Trusts Act 1920 for declaration to declare that the petitioners are the trustees of the 'Shri. Rajeshwari Vidya Samsthe',



seeking direction to the petitioners for proper management of the said samsthe and proper administration of the trust properties as per the Bye law annexed to this petition, and for such other reliefs.

**2. The brief facts leading to the petitioners' case are summarized as under:**

That petitioners are the trustees of the 'Shri. Rajeshwari Vidya Samsthe', which is running a Sanskrit school, at Sirsi which is registered under the Bombay trust act 1950 and as the Bombay public trust act 1950 is repealed in the state of Karnataka now as the trust govern under the provisions of the charitable and religious trust act 1920 the said act is applicable to the present trust. It is further averred that said trust is promoting vedic culture and education. Trust is also running a Sanskrit school at Mathadevala Taluk sirsi under the name of Shri. Rajeshwari Vidya Samsthe'.

3. It is stated that said Shri. Rajeshwari Vidya Samsthe' Sirsi in Sirsi taluk empowered to manage the activities of the trust. Therefore to manage the affairs and to administer the trust forming of trust is very much essential and therefore these petitioners had filed petition before this court in Trust Misc. Petition No.028/14 for seeking declaration to that regard. The said petition was allowed and petitioners were declared as the trustees and directed them to administer the trust for the period of 5 years in accordance with the bye law of the Samsthe. And the said term was over and thereafter general meeting of all the public of the locality of the petitioners Samsthe was convened and in the said general meeting petitioners No.1 to 9 were selected as trustees of the Shri. Rajeshwari



Vidya Samsthe' to look after the administration of the said Samsthe for another period of 5 years from 2016 . And that on 24-09-2016 among the selected trustees first meeting was held wherein petitioner No. 2 is elected as vice president of the trust on 24-09-16 and petitioner no;3 is electd as secretary and even to that effect resolution was passed unanimously. However as direction is required by this court to confirm their position as elected and selected members to manage and carryout the administration work they moved this petition for seeking necessary relief before this court. Accordingly prays for allow the petition.

4. The cause of action for the petition arisen on 14-9-2016 subsequent to election of petitioners as trustees within the jurisdiction of this court.

5. After filing this petition, as contemplated under law citation was published calling upon the public at large to appear before the court and file objections if any to the petition. Accordingly it was published in the LOKADWANI news paper dated 25-1-2019 and by way of this publication it is called upon the public at large to appear before or file objection but none have appeared before the court. Thereafter case was posted for enquiry.

6. Petitioner No.2 examined as PW-1 and got marked Ex.P-1 to 7 and closed their side.

7. Heard the petitioners

8. The point that would arise for my consideration are;

*Done*

1. Whether the petitioners prove that they have been appointed trustees of Shri. Rajeshwari Vidya Samsthe' unanimously as per the resolution passed as stated in the para 4 of the petition?
  2. Whether the petitioners entitled for the relief sought in the petition?
  3. What order?
9. My answer to the above points is as under:

**Point No.1 -In the Affirmative**

**Point No.2- In the Affirmative**

**Point No.3- As per final order for the following;**

**REASONS**

**10. Point No.1 and 2 :-** It is the definite case of petitioners that Shri. Rajeshwari Vidya Samsthe' was initially registered under the Bombay public trust act but said Act is repealed and new act called Karnataka religious institution and charitable endowment act 1977 came into force but since the term charitable endowment as per Sec.2(5) of the 1997 Act, refers to the property given or endowed for any religious charitable purpose after the repeal of 1950 Act, the public trusts registered under the said Act were not governed by the 1997 Act as it did not had any provision of law to regulate their affairs. And it is pertinent to note the State Government has issued Circular dated 19-03-2004 which makes it clear that after the repeal of 1950 Act, the Trusts which do not fall under 1997 Act will be governed by 1920 Act. And as such Charitable and Religious trusts Act 1920 is become applicable to this case.




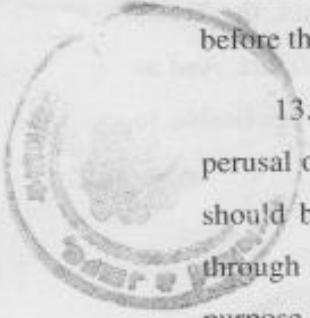


11. It is further case of the petitioners that said samsthe has a trust for the administration of the affairs of the Samsthe . And it manages the activities of trust .And to look after the same forming of Trust is very much necessary. As per the bye law term of the trustee used to be in force only for 5 years and thus terms of earlier trustees appointed under the resolution is been completed and fresh general meeting were held on 14-9-2016 . And out of the selected members on 24-9-2016 petitioner No2 is elected as vice president and petitrner no;3 is elected as secretary and to that effect resolution was passed unanimously. However as direction is required by this court to confirm their position as selected and direction to the selected members to manage and carryout the administration they moved this petition.

12. In order to substantiate the case the petitioner No.2 examined as PW-1 and relied as many as 7 documents. Wherein Ex.P-1 is the registration certificate which issued by the then Assistant Charity Commissioner. The same is not disputed by anybody putting appearance before the court.

13. Ex.P-2 is the bylaw/memorandum of association . On careful perusal of this bye law it mandates each and every activities of the trust should be transparent and all the affairs to the trust have to be done through the trustees. Further the said bye laws also refers about the purpose of establishing the trust so also arrangements of funds etc.

14. Ex.P-3 and 4 are the Annual general meeting conducted on 14-9-2016 and 24-9-2016 . Ex.P-5 is the list of members attending the said meeting and annual proceedings. Ex.P-6 order passed in Trust



Civil.Misc. No. 18/14. Ex.P-7 is the Lokadhwani Daily News Paper dated: 25-1-2019 . On reading these documentary evidence it become clear that petitioners have held general body meeting and they have been elected as a trustees. And these trustees approached the court for seeking necessary direction U/Sec.7 Charitable and religious trust Act 1920. I have carefully gone through the said provision. The Sec.7 empower the trustees to seek such direction before the court so as to look after the trust affairs in good faith. And they should not be any anomalies or discouragement of these petitioners to act in accordance with the bye law of the trust and at the same time it empowers the court to give such direction.

15. Here in the case after filing the petition by the petitioners this court as contemplated under law citation was published calling upon the public at large to appear before the court and file objections if any to the petition on 25-1-2019 but no objection is received by anybody regarding issuance of direction to the trustees named in the petition. When there is no objection from any of the public or from the trustees there is no impediment to declare they are the trustees and to give necessary direction. Therefore I am of the opinion petitioners in this case have made out sufficient grounds to declare they are appointed as trustees of Shri. Rajeshwari Vidya Samsthe' and to issue the necessary direction for proper administration of the trust and the trust properties as per bylaw. However as per the provisions of the act stated above petitioners being the trustees i.e. <sup>v/o</sup> president, secretary and other trustee have to furnish periodical accounts to the court to maintain transparency in the affairs



*Handwritten signature or initials.*

and administration of the said trusts. Accordingly with these observations I answer **Point No. 1 and 2 in the affirmative.**

16. **Point No.3:-**  
pass the following;

From the reasons stated above, I proceed to

**ORDER**

**Petition filed by the petitioners No. 1 to 9 is allowed. They are declared as trustees of Shri. Rajeshwari Vidya Samsthe as prayed.**

Consequentially petitioners being the trustees are hereby directed to look after the proper management of the Samsthe, proper administration of the trust properties as per <sup>by</sup> law annexed to the petition. The said <sup>by</sup> law forms part and parcel of the order.

Further the petitioners being the trustees of Shri. Rajeshwari Vidya Samsthe', U.K. District shall furnish the periodical account of the trust and shall conduct periodical audit of the accounts of the trust and furnishing same.

(Dictated to the stenographer directly to the computer, corrected by me and then pronounced in the open court on this 20<sup>th</sup> day of February 2019)



*[Handwritten Signature]*  
Senior Civil Judge  
Sirsi.

ANNEXUREList of witnesses examined on behalf of petitioner:

P.W.1 : Narayan S/o Ganapati Hegde 19-02-2019

List of witnesses examined on behalf of respondent :

-Nil-

List of documents exhibited on behalf of petitioner:

Ex.P.1 : Attested copy of Registration Certificate 19-02-2019

Ex.P.2 : Attested copy of Memorandum of Association -do-

Ex.P.3 : Attested copy of Annual General Body Meeting -do-

Ex.P.4 : Attested copy of Administrative Board Meeting -do-

Ex.P.5 : Attested copy of Name and address of members  
Of the managing Body -do-

Ex.P.6 : Certified copy of Judgment in T.Misc.No.18/2014 -do-

Ex.P.7 : Lokadwani Kannada News Paper dtd:25-01-2019 -do-

List of documents exhibited on behalf of respondent:

-Nil-

*31/2/2019*  
Senior Civil Judge, Sirsi.

Certified that this is a true and accurate copy of the Original All the matter appearing in Original has been faithfully copied with no modification.

*SCJ*  
Examiner  
Court of the Sr. Civil Judge  
& Prt. J.M.F.C., Sirsi



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Sheets/Stamp Required to be produced on \_\_\_\_\_  
Copying sheet/stamps produced on 23/2/19  
Applicant required to be appear on 11/3/19  
Applicant appeared on 25/2/19  
Copy Ready on 25/2/19  
Copy delivered on 25/2/19  
Examined by [Signature]