CR22887
17/4/09

S.K.V.C.
For pdt.

Decree in Original
Suit (O.20, R.6,7)
Form No.1.

IN THE COURT OF THE CITY CIVIL JUDGE AT BANGALORE CITY.

O.S.No.7934/2001

PLAINTIFF: International Society for
Krishna Consciousness (ISKCON),
Having its Registered Office at ISKCON,
Harekrishna Hill, Chord Road,
Bangalore - 560 010,
By its Secretary Stoka Krishna Dasa.

Vs.

DEFENDANTS:-

1. International Society for
Krishna Consciousness (ISKCON)
A registered Public Trust
Having its Registered Office at
Harekrishna land, Juhu,
Mumbai - 400 049.

2. Bhima Dasa, Major.

3. Gopala Krishna Goswami, Major.

2 and 3 above are having their
Office at Harekrishna Land,
Juhu. Mumbai - 400 049.

4. Jaya Pataka Swami, Major.

5. Vinay Kalro also known as
Vibhava Krishna Dasa, Major.

6. Ashok Kumar Gupta, Major.

7. B.Kiran, Major.

8. Sudhir Chaitanya Dasa, Major.

4 to 8 at No.5, I Cross,
Sripuram, Sheshadripuram,
Bangalore - 560 020.

9. Sarva Aishwarya Dasa, Major.
ISKCON, Coimbatore Centre,
Harekrishna Land,
100 Feet New Scheme Road,
Coimbatore, Tamilnadu.

10. Registrar of Societies,
Karnataka State,
32, Jamuna Complex,
5th Main Road, Gandhinagar,
Bangalore - 560 009.

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DEFENDANTS CONTD: 11. State of Karnataka,
Represented by
The Commissioner of Police,
Infantry Road,
Bangalore - 560 001.

SUIT CLAIM: The suit was filed on 15/10/2001 by the Plaintiff for a Judgment and Decree against the Defendants for:

A) Declaring that the Executive Committee or Bureau of the 1st - Defendant Society and or the 1st Defendant Society has no power of authority to remove the President or any other office- bearers of the Plaintiff Society and its Temples or to exercise control over the possession of the property of the Plaintiff society or administration of affairs of the Plaintiff Society. Since the Plaintiff Society is a separate entity independent of defendant society.

AA) A declaration that the Plaintiff society is the absolute owner of Item One of 'A' Schedule property and properties described in Schedule 'B' & 'C', and is in possession and enjoyment of the schedule properties as such absolute owner being an independent legal entity.

B) Permanent injunction restraining the Defendants No.1 to 9, their men, their agents, their representatives or any person or persons acting under them or through them from in any way interfering with Plaintiff Society of their peaceful possession and enjoyment of the schedule properties mentioned in DOCUMENT No.4 hereto or attempting to take possession or control them.

C) Permanent injunction restraining the Defendants Nos. 1 to 9 by themselves or through their agents, servants or anybody acting under them or through them from interfering with the position of the President and office-bearers of the Plaintiff Society in the day-to-day administration of the affairs of the Plaintiff Society in

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the State of Karnataka including its temples at Bangalore and Mysore and all other affairs of the Plaintiff Society inc including operation of the bank accounts with the Banks in the State of Karnataka of the Plaintiff Society; or from opening and/or operating any Temple or Center in South India or Branch or Bank Accounts in Bangalore in the name of ISKCON, Bangalore or form attempting to interfere with and/or take possession of any of the properties of the Plaintiff Society other than by due process by law.

D) Permanent injunction restraining the Defendants No.1 to 9, their men, their agents, their representatives or any person or persons acting under them or through them from enforcing the decision that no ISKCON Life Member or Patron should be issued the membership card by following the existing practice which is in vogue since inception and not declaring membership cards issued by the Plaintiff Society as invalid or from taking any action disciplinary or otherwise against the Plaintiff Society or its office-bearers for issuing such cards from time to time or from issuing any statements in the Press, or Media concerning or relating to any of the Plaintiff Society or the Plaintiff Society itself.

E) That the 10th defendant and the 11th defendants in the discharge and exercise of the statutory and regulatory powers and duties vested in them as regulatory authority, and in public interest be ordered and directed by an order by this Court in its inherent powers to render all facilities and legal assistance and protection to the plaintiffs society and its office bearers and its property by rendering police and government assistance to the plaintiff society to achieve its objects for which it is established, against defendants No.1 to 9 in particular and others who have threatened to dispossess the Plaintiff society and its properties and to assist the plaintiff in administering and managing their affairs.

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F) Grant such other reliefs and

G) Interim and Ad-Interim reliefs in terms of prayer (a) (b) (c) & (d).

COUNTER CLAIM: OF FIRST DEFENDANT;

(a) Dismiss the suit with costs.

(b) Allow the counterclaim of the first defendant and pass Judgment and decree:-

(1) Of permanent injunction restraining the plaintiff, its office bearers, agents, workmen and any person claiming under or through it from interfering with the first defendant's possession, management and control of :

(i) its Bangalore branch and Sri.Radha Krishna Temple, both situated at Hare Krishna Hall, 1st R Block, Rajajinagar, Bangalore - 560 010.

(ii) of the properties described in schedules A to C, document No.4 and other annexures to the plaint.

(iii) every other property, whether movable or immovable, tangible or intangible, corporeal or incorporeal, claimed by the plaintiff in any form and in any forum under any context whatsoever including by alleging acquisition from the date of its alleged incorporation, whether in existence at the date of filing of the suit or acquired thereafter in its alleged name or in any other name.

(iv) all trusts, organisations, programmes, projects and the like attached to, or operating from the premises of, Sri.Radha Krishna Temple, Hare Krishna Hill, Rajajinagar, Bangalore - 560 010, and Sri.Krishna Balarama Temple at Mysore as well the properties thereof, and

(v) any branch, property and the like that are alleged by the plaintiff to be existing in the State of Karnataka or elsewhere in India or claimed by its as belonging to it.

awarding costs.

(c) grant such other releifs.

COURT OF THE CITY CIVIL AND SESSION JUDGE BANGALORE

BANGALORE CITY CIVIL COURT

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This suit coming on this day for final disposal before Sri.B.Balakrishna, B.Sc., L.L.B., IX Addl.City Civil & Sessions Judge, Bangalore City, in the presence of Sri.S.K.V.Chalapathy advocate for the plaintiff and Sri.D.R.Ravishankar advocate for Defendants No.1 to 4, Sri.C.G.Gopalaswamy advocate for Defendants No.5 to 9 and A.D.G.P. advocate for Defendants No.10 & 11.

It is ordered and decreed that the suit of the plaintiff is decreed, ~~but~~ in part, with proportionate costs. The plaintiff is declared as the absolute owner of the 1st item of 'A' schedule and 'B' and 'C' schedule properties and is in possession and enjoyment of them, being an independent legal entity.

It is further ordered and decreed & declared that the executive committee or bureau of the 1st defendant or the 1st defendant has no power or authority to remove the president or any other office-bearers of the plaintiff and its temples or exercise control over the possession of its properties or administration of its affairs, since it is a separate entity independent of the 1st defendant.

It is further ordered and decreed that the defendants 1 to 9, their agents, men, representatives or any person or persons acting or claiming under or through them, are restrained by means of permanent injunction from interfering with the plaintiff's peaceful possession and enjoyment of the schedule properties or attempting to take possession or control them and interfering with the position of the president and office-bearers of the plaintiff in the day to day administration of its affairs including the operation of bank accounts in the state of Karnataka.

And that a sum of Rs.27,78,173-00 be paid by the defendant/s to the plaintiff/s on account of the costs of this suit.

Given under my hand and the seal of the Court, this the 17th day of April 2009.

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For the purpose of Court Fee & Jurisdiction the Suit is valued at Rs.12,69,38,527-00 + 5000-00 and Court Fee of Rs. 871075-00 +125-00 / Court fee of Rs.25-00 paid on Counter claim.

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COSTS OF THE SUIT

		By the Plaintiff/s Rs.	Defendant/s Rs. D-1.	D1-4	D5-9.	D10-11
1.	Stamp paid on Plaint:	871075-00	25-00			
2.	Stamp paid for Power:	1-00	1-00	1-00	1-00	1-00
3.	Stamp on I.A's:	70-00				
4.	Service of Process:	250-00	2-00	2-00		
5.	Pleader's fee: Fc filed	19,06777-00	—	—		—
6.	Paper Publication Charges:-	—				
	Total Rs.	27,78,173	28-00	3-00		1-00

SCHEDULE -A PROPERTIES

1. All that piece and parcel of the land/premises bearing Sy.Nos.174 and 175 of Kethamaranahally, Bangalore, in II stage, Rajajinagar Extension, measuring 6 acres and 8 guntas, together with all rights, appurtenances whatsoever whether underneath or above the surface and bounded on the:

East by : Guest Keen Williams Factory and Road,
West by : Bangalore Development Authority sites,
North by : Chord Road,
South by : BWSSB Area.

2. All that piece and parcel of the premises being the temple and office premises situated at No.3, 1st Cross, III Stage, Gokulam, Mysore - 570 002 along with the temple and residential and commercial structures standing thereon.

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SCHEDULE -B PROPERTY

Plaques, jewellary and utensils made out of silver and gold and diamonds attached thereto and electrical installations and articles like vessels, pots, and pans and electrical apparatus to prepare and carry-away food prepared for distribution among rural school children etc., of the aggregate value of over Rs.3 crores.

SCHEDULE -C PROPERTY

Bank accounts maintained by the plaintiffs Society at Bangalore and Mysore in the name of the plaintiff's society with nationalised and co-operative banks in Mysore and Bangalore.

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