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9502**TITLE SHEET IN ORIGINAL SUITS**

IN THE COURT OF THE PRINCIPAL, SENIOR CIVIL JUDGE &
C.J.M., AT MYSURU

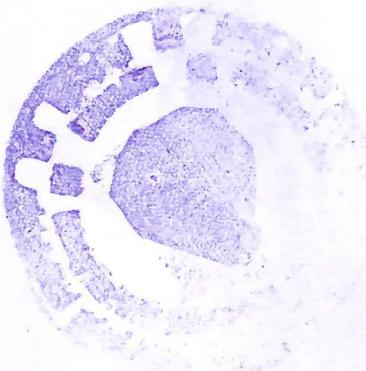
**PRESENT : SRI.N.Subramanya, M.Com., LL.B.,
 Prl. Sr.Civil Judge & CJM, Mysuru**

Dated this the 16th day of October 2017

O.S.NO.367/2016

- Plaintiff : 1. Nithyananda Foundation
 Situated at No. 9720
 Central Avenue, Montclair
 California-91763
 United States America
 Represented by its Director
 Ma Nithya Achalananda,
 Aged about 39 years
 D/o Sri. P.S. Ananthmarayan
2. Life Bliss Foundation
 Situated at No. 9720,
 Central Avenue
 Montclair
 California-91763
 Represented by its Director
 Ms Gayathri Tambaram Kailasam,
 Aged about 32 years,
 D/o Sri. V.S. Kailasam

(By Sri. P.T.P., Advocate)



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 This Certified Copy has contents 2
 sheets and copying charges of Rs 50/-
 & Deposited

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-Vs-

Defendant : Sri. Vinay Bharadwaj
S/o C. Keshavan
Aged about 41 years
Residing at No. 1533,
Navagraha Temple road,
Lakshminipuram, Mysore.

(Defendant :- Ex parte)

Date of Institution of the suit : 30.04.2016

Nature of the suit : Recovery of Money

Date of recording of evidence : 20.02.2017

Date of pronouncing Judgment : 16.10.2017

Year/s Month/s Day/s

Total Duration: 01 06 10

PRL.SR. CIVIL JUDGE,
MYSURU

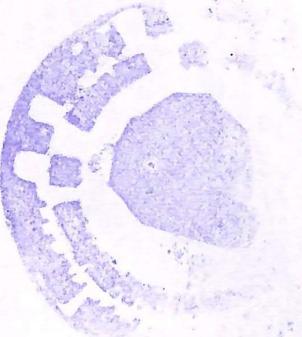
-: JUDGEMENT:-

The present suit filed by the plaintiff- Nithyananda Foundation (herein after referred to as the plaintiff-Foundation) represented by its Director against the defendant for recovery of a sum of Rs.2,74,94,447.50ps/- along with interest 18% p.a. from the date of suit till realization.

2. The brief facts of the plaintiff's-foundation case is as under:

The defendant was a volunteer pujari and meditation teacher at the Nithyananda Vedic Temple in Seattle from approximately 2007 through 2009. From 2008 through 2009, the defendant misused his position and sexually molested and abused the least one minor child at the Seattle Temple.

3. It is further submitted that the defendant learned that the minor child would not keep secret what he had done her, despite his manipulative attempts to silence her and that the family of the minor child was ready to bring him to justice and the defendant started to lay the groundwork for a defense and developed false accusations against Sri. Nithyananda Swami and his mission which are none other than the plaintiffs. In July 2009, the defendant colluded with Aarthi S Rao, a friend of the defendant and former devotee insinuating that Sri. Nithyananda Swami had abused some of his followers, although no one had made any such allegations at the time.



4. It is submitted that the during the stay of defendant at United States, on 10.08.2009, he and one Gopal Reddy Sheelum, on behalf of the plaintiffs, entered into a valid, enforceable mutual Release Agreement. Wherein the defendant admitted that he had engaged in inappropriate contact with a minor child and that he had been making disparaging and false statements about Sri. Nithyananda Swami and the plaintiffs i.e., Life Bliss Foundation/Nithyananda Foundation. The defendant on 03.01.2011, initiated the action, alleging both contract and tort claims; before the Hon'ble Superior Court of the State of California, for the County of San Bernardino.

5. Further the plaintiff-foundation submitted that on 14.08.2012 the defendant was convicted of three Felony Counts of Child Molestation in the Second Degree and one Gross Misdemeanor Count of Communication with a Minor for Immoral Purposes. He was immediately taken into custody. On September 2012, the defendant was sentenced to 57 months imprisonment at the Washington Corrections Center. Wherefore, the Superior court of California passed an order dated 08.04.2013, in case No. CIVRS 1013793, ordered that the Motion of Attorney's Fees is granted, and the plaintiff-Foundations are awarded their reasonable attorney's Fees as costs against defendant in the total amount of \$3,90,491.50/- (Dollar Three Lacs Ninety thousand Four hundred and Ninety one and fifty cents only).

M.J.W

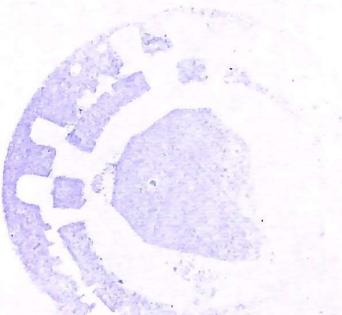
6. After hearing the Superior Court of State of California passed an order in case No. CIVRS 1013793, on 21.01.2014, ordering that the Motion for Attorney's Fees is granted and the plaintiff-Foundations are awarded their reasonable attorney's fees as costs against the defendant in the total amount of \$ 32,500.00/- (Dollar Thirty Thousand Five hundred only).

7. The plaintiff-foundation submit that the as on today the price of one dollar in Indian Rupee is of Rs. 65/-. If the amount in a sum of \$. 4,22,991.50/- converted to Indian Rupee it comes to sum of Rs. 2,74,94,447.50/- As such the defendant is liable to make the payment of Rs. 2,74,94,447.50/- to the plaintiff as per the order of the Superior Court of State of California in Case No. CIVRS 1013793.

8. The plaintiffs-Foundation submits that the cause of action for the above suit arose on 08.04.2013, when the Superior Court of the State of California passed and subsequently, on 27.01.2014, when the separate order was passed by the Superior Court of the State of California in Case No. CIVRS 1013793, and on all subsequent dates till the date of filing of this suit, the defendant is residing at Mysuru, within the jurisdiction of this Court. Hence the present suit.

9. In pursuance to the summons issued by this Court, the defendant did not appear before the court. Hence, defendant

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placed ex parte, and the matter is posted for evidence of the plaintiff side.

10. In order to prove the case of the plaintiff-Foundation, the Ma Nithya Achalanda, Director of Nithyananda Foundation, plaintiff-Foundation is examined as PW1 and got marked Ex.P1 to Ex.P15 and closed its side. Since the defendant placed ex parte, there is no evidence on behalf of the defendant.

11. Heard arguments of the counsel for the plaintiff-foundation on merits.

12. In view of the above, the following points would arise for my consideration:

1. Whether the plaintiffs-Foundation has proved that the defendant is liable for repayment of outstanding amount of Rs.2,74,94,447.50/-with interest 18%p.a. ?

2. Whether the plaintiffs-foundation is entitled for the reliefs as sought for in the present suit?

3. What Order or Decree ?

13. My answers to the above points are as under:

Point No.1 : In the Affirmative

Point No.2 : In the Affirmative

[Signature]

Point No.3 : *As per the final order
For the following*

-:REASONS:-

14. **Point No.1:** Initially suit was filed before the Hon'ble Principle District and Session Judge. The office raised the objections regarding the provision on which suit lies to the court is not stated in the plaint. There after the Hon'ble Court after hearing the plaintiffs has passed the order regarding the maintainability of the suit under Section 15 of CPC and directed to file the suit before this court. Hence maintainability of the suit does not arise at all. Further the counsel is also relied upon the *AIR 1962 SC 1737 (V 49 C 243) Raj Rajendra Sardar Moloji Nar singh Raod Shitole, v/s Shankar Saran and Others.* Hence the suit is maintainable.

15. In order to prove the case of the plaintiffs-Foundation the Director of Nithyananda Foundation of the plaintiffs-Foundation is examined as PW1 by filing an affidavit by way of examination in chief and reiterated the contentions taken in the plaint. To corroborate the oral evidence, the plaintiffs-Foundation have produced as many as many as 15 documents before the court, which have been marked as Ex.P1 to Ex.P15. The Ex.P1 and Ex.P2 is the Authorization Letters . Ex.P3 is the Certified copy of the Complaint filed in California , Ex.P4 is the Certified Copy of the 1st Amended complaint, Ex.5 is the Certfied Copy of the 2nd amended Complaint, Ex.P6 is the Certified copy of the Release

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Agreement, Ex.P7 to Ex.P13 are the files, Ex.P14 and Ex.P15 are the Certified Copies of the order passed in case No. CIVRS 1013793 by California Court.

16. On careful perusal of the documents it is crystal clear that the plaintiff-Foundation has produced the material and relevant documents which proves the case of the plaintiff-foundation that the Superior court of California passed an order dated 08.04.2013, in case No. CIVRS 1013793, ordered that the Motion of Attorney's Fees is granted, and the plaintiff-Foundations are awarded their reasonable attorney's Fees as costs against defendant in the total amount of \$3,90,491.50/- (Dollar Three Lacs Ninety thousand Four hundred and Ninety one and fifty cents only).

17. And further after hearing the Superior Court of State of California passed an order in case No. CIVRS 1013793, on 21.01.2014, ordering that the Motion for Attorney's Fees is granted and the plaintiff-Foundations are awarded their reasonable attorney's fees as costs against the defendant in the total amount of \$ 32,500.00/- (Dollar Thirty Thousand Five hundred only).

18. In order to disprove or discard all these documentary evidence, absolutely there is no material placed by the defendant. the defendant not appeared before the court and also not participated in the present case either to adduce evidence on or to cross-examine the P.W.1. Since the P.W.1 was not cross-examined by the defendant, the oral evidence of P.W.1 goes unchallenged. Infact the oral evidence of P.W.1 is consistent and corroborative

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with the contentions taken by the plaintiff-foundation in the course of the plaint. Therefore in view of the above discussion and reasonings, I am of the opinion that the plaintiff-foundation is entitled for recovery of money with interest from the defendant as claimed in the present suit.

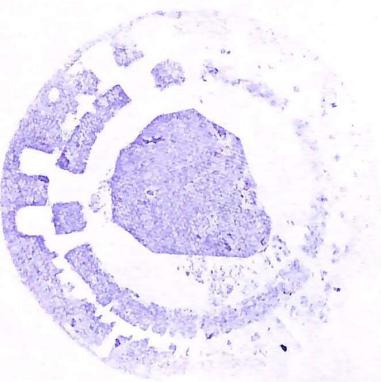
19. So far as the rate of interest is concerned, the plaintiff claimed interest at the rate of 18 % p.a. on the suit claim amount of Rs. 2,74,94,447.50/- . Therefore this court is of the opinion that the rate of interest claimed by the plaintiff-foundation on the suit claim amount is not reasonable. Hence this court of the opinion that it is just and proper to award interest at the rate of 9% p.a. on the suit claim amount from the defendant. Accordingly I answer Point Nos.1 and 2 in the '*Affirmative*'.

20. Point No.3:- In view of my findings on point Nos. 1 and 2 , I proceed to pass the following :

-:ORDER:-

The present suit filed by the plaintiffs-Foundation against the defendant for recovery of money with interest is hereby decreed with costs.

Accordingly, it is held that the defendant liable to pay totally a sum of Rs.2,74,94,447.50/- with interest at the rate of 9% p.a. on suit claim amount from the date of the suit till realization



*within three months to the plaintiffs-
Foundation.*

Draw the decree accordingly.

(Dictated to the stenographer and transcribed by her, corrected by me and then pronounced in the open Court on this 16th day of October 2017)

N.W.
(N.Subramanya)
Prl.Sr.Civil Judge & CJM,
Mysuru

: ANNEXURE :-

Witnesses examined on behalf of Plaintiffs:

PW-1 :: Ma Nithya Achalananda

Documents marked on behalf of Plaintiffs:

Ex.P1 & Ex.P2	::	Authorization Letter
Ex.P3	::	Certified copy of the Complaint
Ex.P4	::	Certified copy of the amended plaint
Ex.P5	::	Certified copy of the Second amended plaint
Ex.P6	::	Certified copy of the Release Deed
Ex.P7 to Ex.P13	::	files
Ex.P14 & Ex.P15	::	Certified Copy of the Order

Witnesses examined on behalf of Defendants:

Nil

Documents marked on behalf of Defendants:

Nil

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Prl.Senior Civil Judge
Mysuru.

17/10/17

1. Copying Charge required to be preferred on	17/10/17
2. Copying Charge stands on	17/10/17
3. Amount required to answer on	3/11/17
4. Amount deposited on	25/10/17
5. Copy ready on	25/10/17
6. Copy delivered on	25/10/17
7. Chaired by	
8. Signed by	

17/10/17
 Certified that this a true copy of the original copy deposited
 appearing in original form before the date
 filed without any modification
 Date _____
 (Signature) _____
 (Name) _____
 (Firm Name) _____