

Pujari to look after the suit property. His work having not been found to be satisfactory, his services stand terminated after serving notice dated 04.01.1993. Despite termination of service, defendant has refused to vacate the suit premises.

4 Suit was contested by the defendant, claiming himself to be Mahant. It was claimed that the defendant is not Mohtmim (Manager) or pujari. He was appointed as Mahant of the plaintiff-idol, 35 years ago and the plaintiff has no right to terminate the services of the defendant.

5 On the basis of the pleadings, following issues were framed :-

*“1) Whether the plaintiff is entitled for the mandatory injunction as prayed for? OPP*

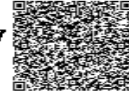
*2) Whether the plaintiff has no locus-standi to file the suit? OpD*

*3) Whether the Civil Court has got no jurisdiction to try the suit? OPD.*

*4) Relief.”*

6 While returning the finding on issue No.1, Trial Court relied upon judgments Ex.P-4 and Ex.P-5, wherein it is Bhagta Nand who has been held to be Mahant of Thakur Dwara. Thus, Trial Court decreed the suit filed by the plaintiff.

7 Dissatisfied, defendant approached Lower Appellate Court. Lower Appellate Court reversed the findings recorded by the Trial Court, holding that as per the evidence it stands proved that it is defendant who is looking after dera and mandir for last 40 years. He was appointed by Banwari Dass who was Manager at the relevant time. Learned Appellate



Court further held that there is no evidence led by Bhagta Nand that work of Budh Dass is not satisfactory or that he is not looking after dera well.

8 Learned counsel appearing for the appellant has brought to the notice of this Court that during the pendency of the present appeal defendant has died and one Gurpiar Dass claiming under the defendant has filed a separate suit.

9 In view of the aforesaid facts, this Court finds that once a person claiming under the defendant has filed a separate suit to establish his right, nothing survives in the present *lis* for adjudication at the hands of this Court.

10 Disposed off accordingly.

18.02.2025

*Pooja Sharma-I*

( PANKAJ JAIN )  
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No