



CR-2260-2022

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CR-2260-2022

Date of decision : 18.02.2025

Vijay Kumar @ Vijay Kumar Sharma

... Petitioner

Versus

Shri Brahman Avam Tirthodhar Sabha (Regd.) and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Keshav Pratap Singh, Advocate
for the petitioner.

Mr.Amit Jain, Senior Advocate with
Mr.Chetan Slathia, Advocate and
Mr.Sachin Mittal, Advocate
Mr.Aryaman Thakur, Advocate
for respondent no.1.

Mr. Ravinder Malik (Ravi), Advocate and
Mr.P.P. Singh, Advocate
for respondent no.2.

VIKAS BAHL, J.(ORAL)**INDEX**

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**CHALLENGE IN THE PRESENT REVISION PETITION**

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 17.05.2022 (Annexure P-14) passed by the Additional District Judge, Kurukshetra, vide which the appeal filed by the petitioner against the order dated 09.03.2021 whereby the application under Order 39 Rules 1 and 2 CPC filed by the respondents was allowed, has been dismissed.

BRIEF BACKGROUND OF THE CASE

2. Brief background of the present case is that the respondents no.1 and 2 had filed a suit for permanent injunction against the present petitioner -defendant for restraining the present petitioner and its associates and agent from creating any kind of interference in the smooth functioning and management of the temples run/managed by respondent no.1-Sabha and also for restraining the petitioner from interfering in the performance of puja and duties in the two temples i.e. "*Prachin Hanuman Mandir (Dakshin Mukhi) temple and Durga Mandir*". Along with the said suit, an application under Order 39 Rules 1 and 2 CPC was also filed by the respondents-plaintiffs and the trial Court vide order dated 09.03.2021 allowed the said application under Order 39 Rules 1 and 2 CPC and restrained the present petitioner from interfering in performing of puja and duties in both the said temples by plaintiff no.2 in his capacity as Pujari, till the decision of the suit. The said order has not been specifically challenged in the present revision petition. The appeal filed by the petitioner against the order dated 09.03.2021 was dismissed by the Ist Appellate Court vide judgment dated



17.05.2022. It is only the said order dated 17.05.2022 which has been challenged in the present revision petition.

ARGUMENTS ON BEHALF OF THE PETITIONER

3. Learned counsel for the petitioner has submitted that in the present case, the impugned order vide which the appeal filed by the petitioner, against the order allowing the application under Order 39 Rules 1 and 2 CPC filed by the respondents, has been dismissed, is illegal and deserves to be set aside.

4. Three arguments have been raised on behalf of the petitioner to challenge the said order. The first argument raised on behalf of the petitioner is to the effect that by virtue of the interim order granted, full relief has been granted to the respondents-plaintiffs which is not permissible in law. It is submitted that by virtue of the interim relief, the suit of the plaintiffs has been decreed and on the said ground alone, the impugned order deserves to be set aside. The second argument is to the effect that the petitioner is in possession of the premises in question and thus, a simpliciter suit for injunction is not maintainable and in order to take possession from the petitioner, it was incumbent upon the respondents-plaintiffs to either have filed a suit for mandatory injunction or for possession. The third argument raised by the learned counsel for the petitioner is to the effect that it is the petitioner, who has been performing puja since the year 2004 after the death of his grandfather and even till date, he is performing the said puja and thus, it is the petitioner, who has a prima-facie case in his favour and not the respondents and the impugned order deserves to be set aside on the



said ground also.

5. In support of the arguments, learned counsel for the petitioner has referred to the earlier litigation, which was instituted by the grandfather of the petitioner against persons, which also included respondent no.1 herein. Reference has been made to the plaint (Annexure P-1) with respect to the said earlier suit, which was for declaration to the effect that notice dated 30.07.1997 relieving the grandfather of the petitioner from the job of Pujari and appointing a new person in his place was illegal, null and void. The averments made in paragraphs 4 and 5 of the said suit have been highlighted by the learned counsel for the petitioner. A reference has also been made to the written statement (Annexure P-2) filed by the defendants in the earlier suit, including plaintiff no.1 in the present case and specific reference has been made to paragraph 2 of the said written statement to show that it was pleaded by the plaintiff no.1 herein that the grandfather of the petitioner was given the licence for performing puja in the two temples in May 1980 and his licence was cancelled vide order dated 30.07.1997.

6. Learned counsel for the petitioner has submitted that the said suit was decided by the trial Court vide judgment and decree dated 15.09.2009. It is submitted that although the suit of the grandfather of the petitioner was dismissed but issue no.1, which was on the aspect as to whether he was a Pujari in the Mandir, was held in favour of the grandfather of the petitioner. It is further averred that there was finding to the effect that the grandfather of the petitioner used to perform puja in the temples and thus, it is apparent that after the death of the grandfather, it is the petitioner



who is continuing to perform the said puja. Reference has also been made to the plaint in the present suit (Annexure P-9) to highlight the fact that it is the case of the present plaintiffs that the present petitioner had come to the spot in the month of January 2020 and had openly threatened that he would not allow the plaintiff no.2 in the present suit to perform puja in both the temples and would forcibly occupy the said temples. It is submitted that as per the averments in the said paragraph, it is the case of the plaintiffs that it was plaintiff no.2 who was performing puja in both the temples but there is nothing to show that the said plaintiff no.2 was performing puja in the temples in the said year or even prior thereto. Learned counsel for the petitioner has referred to electricity bill dated 17.07.2017 (at running page 228 of the paper book) to show that the electricity bill had been paid by the petitioner. Reference has also been made to telephone bill dated 24.11.2017 (at running page 232 of the paper book) to show that there was a telephone connection in the name of the petitioner at the address of one of the mandirs.

7. Learned counsel for the petitioner has further highlighted the fact that in the earlier suit, the grandfather of the petitioner had filed an application (Annexure P-16) for appointment of Local Commissioner under Order 26 Rule 8 CPC and in response to the said application, a reply (Annexure P-17) was filed by the defendants therein, which included the present plaintiff no.1 and in paragraph 2 of the said reply, it had been averred that during the pendency of the earlier case Ram Jawaya (grandfather of the petitioner) had started performing puja forcibly. It is



submitted that thus, from the abovesaid facts it is clear that it is the present petitioner who is performing puja and thus has a prima-facie case in his favour and even the balance of convenience lies in his favour and the impugned order vide which the petitioner has been enjoined from performing puja is illegal and deserves to be set aside.

ARGUMENTS ON BEHALF OF THE RESPONDENTS

8. Learned senior counsel for respondent no.1 and learned counsel for respondent no.2 have vehemently opposed the present petition and have submitted that in the present case, the grandfather of the petitioner had filed a suit for declaration and permanent injunction on 09.08.1997. It is submitted that the prayer made in the said suit was for declaring that the notice dated 30.07.1997 issued by present respondent no.1 relieving him from the job of Pujari and also appointing a new person as Pujari was null and void and a further prayer for permanent injunction restraining the present respondent no.1 and other defendants therein from interfering in any manner in the performance of duties and obligations of pujari/shebait was also made. It is submitted that the said suit in its entirety was dismissed. It is submitted that at the time of decision of the earlier suit on 15.09.2009 even the present petitioner had got himself impleaded as LR of the plaintiff therein i.e., Ram Jawaya (grandfather). It is further submitted that in the said suit, the grandfather of the petitioner had disputed the right of the present respondent no.1 from relieving him, as he was claiming his rights as “shebait” and he had also sought permanent injunction for restraining the defendants therein, including present respondent no.1, from interfering in



his right to perform puja. It is submitted that the trial Court had affirmatively held that the defendants therein, including present respondent no.1, had the right to relieve the grandfather of the petitioner from the job of pujari and had further not granted injunction in favour of his grandfather. It is submitted that once the grandfather of the petitioner, who at one stage had been appointed as Pujari, has not been granted any relief and his claim has been dismissed in toto, then the present petitioner, who admittedly has never been appointed as Pujari independently, has no right whatsoever to interfere in the affairs and management of the temples and did not have any right to perform puja and thus, he has been rightly enjoined by both the Courts in the present suit.

9. It is further submitted that although the abovesaid judgment and decree dated 15.09.2009 passed by the trial Court was partly set aside by the Ist Appellate Court vide judgment and decree dated 31.03.2015, but on an appeal filed by the present respondent no.1 and another defendant in the earlier suit, the judgment of the Ist Appellate Court was set aside and the judgment of the trial Court was restored by the Coordinate Bench of this Court. It is submitted that the judgment and decree dated 10.08.2018 passed in RSA-2413-2015 (at running page 154) would show that the Coordinate Bench had framed a question of law which was to the effect that whether a 'priest' who has been permitted by the Sabha to manage the affairs of the religious place, could claim any right in the property or claim any right to continue to perform 'pooja' although licence in his favour has been terminated. It is submitted that the said issue was affirmatively held in



favour of the present respondent no.1 and it was observed that it was the present respondent no.1-Sabha who had permitted the grandfather of the petitioner to perform the duties of a Pujari and that the grandfather of the petitioner was even a member of respondent no.1-Sabha and thus could not deny the title of respondent no.1-Sabha.

10. It is further submitted that it is not in dispute that the grandfather of the petitioner had died during the pendency of the earlier suit. The Coordinate Bench of this Court had also observed that the licence given to the said grandfather was not heritable. It is submitted that thus even against the present petitioner it can be affirmatively held that the petitioner has no heritable right to state that he has a licence to perform puja after the death of his grandfather. It is submitted that the said judgment of the Coordinate Bench was upheld by the Hon'ble Supreme Court vide order dated 29.10.2018 (Annexure P-8). It is submitted that from the abovesaid facts it is apparent that the dispute between the grandfather of the petitioner and the present respondent no.1-Sabha and the other defendants (in the earlier suit) was settled upto the Hon'ble Supreme Court and in spite of the above, the petitioner, who had no right to perform puja, had tried to interfere in the affairs of respondent no.1-Sabha.

11. The present suit for permanent injunction was filed in February, 2020. It is submitted that any relief granted to the petitioner would in effect reopen the matter which has been decided authoritatively upto the Hon'ble Supreme Court, in which it has been conclusively held that the grandfather of the petitioner had no right to perform puja once his licence had been



cancelled and that the said licence was not heritable. It is submitted that any attempt by the petitioner to perform puja apart from being contemptuous, is completely unauthorised and it was necessary for the Courts in the present suit to have granted injunction in the said situation. It is submitted that once the Courts had found that there was prima-facie case in favour of the plaintiffs-respondents and even the balance of convenience was in favour of the plaintiffs-respondents and interference by the petitioner in the management of the temples and unauthorised performance of puja would cause irreparable injuries to the plaintiffs, then it was incumbent upon the Courts to grant injunction in favour of the respondents-plaintiffs, which has been rightly done in the present case.

12. It is submitted that the permanent injunction sought in the present case is to the effect that the present petitioner should not interfere in the functioning and management of the temples and performing of puja and thus, the pleas sought to be raised by the counsel for the petitioner with respect to possession or that the respondents were required to file a suit for possession / mandatory injunction are baseless. It is further highlighted that even a perusal of the memo of parties in the present petition would show that the petitioner is residing in House no.35/3, Katran Gali, Chhota Bazaar, Thanesar, District Kurukshetra and not in the premises of either of the temples. It is stated that the electricity bill referred to at running page 228 of the paper book does not show that it was the petitioner who had deposited the said electricity bill. It is further submitted that even the averment of the telephone connection being in the name of the petitioner (at running page



230 of the paper book) does not give any right to the petitioner to perform puja or to interfere in the management of the temples. It is submitted that both the Courts have concurrently found that the respondents have a prima-facie case and have rightly passed the said orders and has further submitted that this Court while exercising its revisional power under Article 227 is not to act as a Court of appeal and thus, has prayed that the revision petition being meritless, deserves to be dismissed.

ANALYSIS AND FINDING

13. This Court has heard the learned counsel for the petitioner and the learned senior counsel for respondent no.1 and learned counsel for respondent no.2 and has perused the paper book and is of the opinion that the impugned orders passed by the trial Court as well as the Appellate Court are in accordance with law and deserve to be upheld and the present revision petition being meritless, deserves to be dismissed for the reasons stated hereinafter.

14. The undisputed facts in the present case are that the grandfather of the present petitioner had filed a civil suit on 09.08.1997 in which following prayer was made:-

“It is, therefore, prayed that a decree for declaration alongwith costs may kindly be passed in favour of the plaintiffs and against the defendants declaring the notice dated 30.7.1997 relieving the present Pujari and appointing a new one as illegal, void-ab-initio null and void and thus setting aside the same being not binding on the rights of the plaintiffs with consequential relief of permanent injunction restraining the defendants from interfering in any manner in the



performance of the duties and obligation of the Pujari/Shebait by Pt. Ram Jawaya in the temples of Shri Hanumanji and Goddess Durga mentioned in para no.1 of the plaint alongwith any other relief to which the plaintiff may be deemed fit.”

15. In the said suit, respondent no.1 herein-Sabha was impleaded as defendant no.6. It would also be relevant to mention that during the pendency of the said suit, after the death of grandfather of the petitioner, the present petitioner got himself impleaded as the legal representative of his grandfather in the said suit. The case set up by the grandfather of the petitioner in the said suit for declaration and permanent injunction was that he was a Shebait/ pujari in both the temples i.e. “*Prachin Hanuman Mandir and Durga Mandir*” and was performing all the duties and obligations attached to the said temples. It was further his case that on 30.07.1997, a letter was served upon him by the defendants therein to the effect that he was being relieved from his duty and one Balramji Gautam was appointed as the new Pujari of the abovesaid two temples and that the said letter was illegal, unwarranted and void ab-initio and was sought to be declared as null and void on several grounds, including the ground that the defendants therein were not the appointing authority of the grandfather of the petitioner. The said suit was contested by the defendants therein, which also included respondent no.1 herein-Sabha and it was specifically stated in the written statement (Annexure P-2) that the grandfather of the petitioner was not Shebait and that the temples were owned and possessed by respondent no.1-Sabha and that the licence, which was earlier issued in favour of the grandfather of the petitioner, was cancelled vide letter dated 30.07.1997 and



one Balramji was given the licence from 31.07.1997 to perform puja.

16. The trial Court vide judgment and decree dated 15.09.2009 (Annexure P-3) had dismissed the said suit in toto. A perusal of the said judgment would show that on 07.11.2000, following issues were framed:-

- “1. Whether the plaintiff is a Pujari in the Mandir in dispute? OPP*
- 2. If so, whether the notice dated 30.7.1997 relieving him from the job of Pujari and appointing a new Pujari in his place is illegal, void ab initio, null and void and not binding on the rights of plaintiffs? OPP*
- 3. If so, whether the plaintiff is entitled to injunction against the interference being done by defendants? OPD*
- 4. Whether the plaintiffs have no locus standi to file the suit? OPD*
- 5. Whether the suit is bad for mis-joinder of the parties? OPD*
- 6. Whether the suit is not maintainable in the present form? OPD*
- 7. Whether the suit is hit under section 91/92 of C.P.C? OPD*
- 8. Relief.”*

17. The issues which are relevant for consideration for the purpose of adjudication of the present revision petition, are issues no.2 and 3, which issues were decided in favour of the defendants therein and against the grandfather of the petitioner. Under the said issues, it was observed that the grandfather of the petitioner had not been able to prove himself to be the Shebait. It was also observed that a Pujari cannot control the management of the temple which is historical and the Mandir cannot be said to be the



property of the Pujari. It was further observed that the grandfather of the petitioner had not been able to prove his right to be a permanent Pujari in the temples and that the Sabha had the right to appoint a new Pujari and in case a new Pujari was appointed, then the grandfather of the petitioner should have not been unhappy and the fact that he had filed a civil suit showed that the grandfather was merely interested in bounty and “*chadhava*” and not in salvation. It was further observed that the grandfather of the petitioner did not have any perpetual right to continue as a Pujari and that the Pujariship had not been inherited by the grandfather from his ancestors and since he had failed to prove that he was Shebait, thus, the notice dated 30.07.1997 relieving him from the job of Pujari and appointing a new Pujari was legal and was not declared to be null and void. The grandfather of the petitioner was not held entitled to either declaration or injunction as he had sought and his suit was dismissed in toto.

18. The grandfather of the petitioner through the petitioner had filed an appeal against the said judgment and the Ist Appellate Court vide judgment dated 31.03.2015 had partly allowed the appeal. Thereafter, the present respondent no.1-Sabha filed RSA-2413-2015 which was allowed by the Coordinate Bench of this Court vide judgment dated 10.08.2018 (Annexure P-7) and the judgment of the Ist Appellate Court was set aside and that of the trial Court was restored. A perusal of the judgment dated 10.08.2018 would show that the following question of law was framed in the same:-



“In the considered opinion of this Court, the question of law which arises for determination is as under:-

1) Whether a 'priest' who has been permitted by the society managing the affairs of religious place, can claim any right in the property or claim any right to continue to perform 'pooja' although licence in his favour has been terminated?”

The Coordinate Bench while allowing the said RSA had observed that it was the present respondent no.1-Sabha who had permitted the grandfather of the petitioner to perform duties of Pujari and that even before him, there was another Pujari named Banarsi Dass and that it was not the case of the grandfather that he was a 'Chela' of Banarsi Dass, the previous priest nor there was any evidence to show that licence granted to the grandfather was heritable and after considering all the relevant facts, the abovesaid question of law was answered in favour of the appellants therein i.e., respondent no.1 herein along with other persons. Thus, it was affirmatively held that the grandfather of the petitioner did not have any right to perform puja after his licence had been terminated. The said order was upheld by the Hon'ble Supreme Court vide order dated 29.10.2018 passed in Special Leave to Appeal (C) No(s).27797/2018 (Annexure P-8).

19. Once it had been finally adjudicated that the grandfather of the petitioner had no right to continue to perform puja after his licence had been terminated and that it was the respondent no.1-Sabha who had earlier permitted the grandfather of the petitioner to perform puja and had subsequently cancelled the licence, then the question of the present petitioner having any right of performing puja or managing the affairs of the



temples in question does not arise; moreover, when even as per the case of the petitioner, he neither has the licence to perform puja / duties nor has been able to even remotely show that he had some heritable right to perform puja on the basis of his grandfather having performed puja in the said two temples. In fact the petitioner had got himself impleaded as the legal representative of his grandfather during the pendency of the earlier case and had pursued the said case and was aware of the observations made by this Court while deciding the RSA to the effect that the grandfather of the petitioner had died during the pendency of the said suit and the licence granted was not shown to be heritable.

20. However, in spite of the same when the petitioner again interfered in the performance of puja, the respondents-plaintiffs filed the present suit for permanent injunction in which the following prayer was made:-

“It is, therefore, prayed that a decree for permanent injunction restraining the defendants, its associate, its agent from creating any kind of interference in the smooth functioning and management of the temple by the plaintiff Society and in performing Pooja and performing duties in both the temples, fully detailed in para No.2 of the plaint as Pujari by plaintiff No.2, may kindly be passed against the defendant and in favour of the plaintiffs with costs.

Any other relief for which the plaintiffs are ultimately found entitled on the basis of facts proved on the file may also be granted to the plaintiffs.”

In the present suit it was averred by the respondents that respondent no.1-Sabha was a registered society under the Society



Registration Act and was managing many temples in Kurukshetra including two temples in question i.e., “*Prachin Hanuman Mandir (Dakshin Mukhi)* and *Durga Mandir*” and that to get puja performed in the said temples, a Pujari was being appointed from time to time by respondent no.1-Sabha and that at present plaintiff no.2/respondent no.2 had been given the said licence to perform the job of Pujari. Furthermore, earlier the grandfather of the petitioner used to perform puja and the licence of the grandfather of the petitioner was cancelled vide letter/notice dated 30.07.1997 and that the grandfather of the petitioner had failed in his quest to challenge the said letter upto the Hon'ble Supreme Court. Reference was made to the earlier litigation in the present plaint and on the basis of the said pleadings, the abovesaid prayer was made. Alongwith the said suit, an application under Order 39 Rules 1 and 2 CPC read with Section 151 CPC for grant of ad-interim injunction was filed. Written statement was filed by the petitioner opposing the same.

21. The trial Court vide order dated 09.03.2021, after considering all the aspects, granted injunction in favour of the respondents and restrained the present petitioner from interfering in performing of puja and duties in both the temples till the pendency of the suit. While passing the said order, the observations made by the trial Court as well as the High Court in the earlier round of litigation were duly considered. It was also noticed that the grandfather of the petitioner was not granted any injunction in the earlier round. It was found that the respondents had a prima-facie case in their favour and even balance of convenience was in their favour and in



case injunction was not granted, “irreparable injuries” would be caused to the respondents, who had been denied their right to perform puja. It is reiterated that the order dated 09.03.2021 has not been specifically challenged in the present revision petition and thus, the same deserves to be upheld on the said short ground alone.

22. The Ist Appellate Court had dismissed the appeal filed by the petitioner vide order dated 17.05.2022. While dismissing the said appeal, the judgments passed in the earlier litigation were duly considered and it was observed that there was no licence of Pujari in favour of the present petitioner, which authorised him to perform / discharge the duties of Pujari in the temples and that even the licence in favour of his grandfather had been revoked and the said revocation had been upheld upto the Hon'ble Supreme Court. It was observed that the petitioner had no right to interfere in performance of puja by plaintiff no.2, who had been duly authorised by respondent no.1-Sabha to perform the said duties and it was incumbent to restrain the petitioner from interfering in performance of puja by the respondents-plaintiffs. It was also observed that the respondents-plaintiffs by seeking permanent injunction were enforcing their rights and were thus proceeding in accordance with law. It is the said order passed by the Ist Appellate Court which has been challenged before this Court.

23. From the abovesaid facts and circumstances, it is apparent that in the earlier round of litigation, it had been finally adjudicated that it is the respondent no.1-Sabha who had permitted the grandfather of the petitioner to perform puja in two temples in question and once the said permission /



licence had been revoked / terminated by respondent no.1-Sabha on 30.07.1997, then the grandfather of the petitioner had no right to thereafter perform puja and to interfere in the management and affairs of the temples. It has also been affirmatively held that there was no permanent right with the grandfather to keep performing duties of Pujari nor the said licence granted was heritable. Thus, once the grandfather of the petitioner, who was initially licenced to perform puja, was held not to have any right to continue to perform puja after the termination of his licence, then, the present petitioner, who had never been granted a licence to perform puja by respondent no.1, could not possibly claim any right to perform puja in the two temples in question. It has also come on record that the petitioner had got himself impleaded as the LR of the grandfather, after the death of his grandfather during the pendency of the earlier suit and had pursued the earlier round of litigation and was thus, aware of the observations / findings of the High Court which were upheld by the Hon'ble Supreme Court and thus, any attempt of the petitioner to perform puja subsequent to the passing of the said order is absolutely illegal. Any interference by this Court in favour of the petitioner would in effect result in reopening of the matter, which has been settled upto the Hon'ble Supreme Court. In the said circumstances, the trial Court as well as the Ist Appellate Court in the present case had rightly come to the conclusion that the respondents had prima facie case and balance of convenience in their favour and irreparable loss would be suffered by the respondents in case the petitioner is not enjoined from interfering in performing of puja and duties in both the



temples.

24. The arguments raised on behalf of the petitioner to the effect that the interim relief granted in the present case amounts to full relief and is thus not sustainable, is completely misconceived, inasmuch as, in a suit for injunction in case the three principles i.e., prima-facie case, balance of convenience and irreparable injury are found in favour of the plaintiffs, then it is incumbent upon the Courts to grant interim injunction. The very purpose of provision of Order 39 Rules 1 and 2 CPC is to protect the party who has all the three ingredients in his favour, during the pendency of the suit. In case the impugned order is set aside on the said argument, then the very purpose of the said provision would be negated. Moreover, no law has been cited by the counsel for the petitioner in support of his said arguments.

25. In the present case, even the argument raised to the effect that the petitioner was in possession of the premises in question and thus, the suit for permanent injunction is not maintainable, is also misconceived. Firstly there is nothing on record to show that the petitioner is in possession of the temples in question and as has been pointed out on behalf of the respondents, even the memo of parties (at running page no.1 of the paper book) would show that the petitioner is residing in House no.35/3, Katran Gali, Chhota Bazaar, Thanesar, District Kurukshetra and not in the premises of either of the temple. Moreover, since injunction sought in the present case is to the effect that the petitioner be restrained from interfering in the performance of puja in the temples, the same is based on the ground that the petitioner has no right to perform puja and the said ground has been found



to be weighty. Thus, the abovesaid argument also does not even remotely call for setting aside the impugned order.

26. It is also relevant to note that even in case the argument of the petitioner to the effect that for some period the petitioner had performed puja, is taken to be true on its face value, then also the same would not entitle the petitioner to perform puja for all times to come, moreso, when there was no licence granted to him for performing puja. Apparently, any such puja performed during the pendency of litigation was unauthorised. The two documents highlighted by learned counsel for the petitioner, one being the electricity bill and the other being the telephone bill, would also not entitle the petitioner to perform puja or to interfere in the management of the temples. Moreover, at any rate, the electricity bill dated 17.07.2017 which has been referred to at running page 228 of the paper book by the learned counsel for the petitioner does not even show that it was the petitioner who had deposited the said electricity bill.

27. The Hon'ble Supreme Court in the case of "*Shalini Shyam Shetty and another Vs. Rajendra Shankar Patil*", reported as *(2010) 8 Supreme Court Cases 329*, had observed that the High Courts cannot, at the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or courts inferior to it. Nor can it, in exercise of this power, act as a court of appeal over the orders of court or tribunal subordinate to it. It was also observed in the said judgment that a statutory amendment with respect to Section 115 of the Civil Procedure Code does not and cannot cut down the ambit of High



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Court's power under Article 227, but at the same time, it must be remembered that such statutory amendment does not correspondingly expand the High Court's jurisdiction of superintendence under Article 227. The power of interference under this Article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court. It was also observed that the power under Article 227 may be unfettered but its exercise is subject to high degree of judicial discipline.

28. Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that the impugned order does not call for any interference by this Court while exercising its powers under Article 227 of the Constitution of India and accordingly, the impugned order is upheld and the present petition being meritless, is dismissed.

29. Needless to say that the observations made in the present order are for the purpose of adjudicating the present revision petition which arises from the proceedings under Order 39 Rules 1 and 2 CPC and should not be construed as a final opinion on the merits of the case, which would be decided by the trial Court independently, after taking into consideration the entire evidence and pleadings on record.

(VIKAS BAHL)
JUDGE

February 18, 2025.

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No