

IN THE COURT OF PRINCIPAL DISTRICT JUDGE, MUZAFFARPUR
Civil Court, Muzaffarpur. Bihar.

Miscellaneous Civil Appeal No. 11 of 2023
(Arise out of Title Suit No. 05/1993)



1. Ram Narayan Sah, aged about 66 years, S/o Late Baldeo Sah.
 2. Satya Narain Sah, aged about 77 years, S/o Late Baldeo Sah.
 3. Jagat Narain Sah, aged about 61 years, S/o Late Baldeo Sah.
 4. Sri Ram Sah, aged about 68 years, S/o Late Girja Sah.
- (All the R/o village- Daud Chapra, P.S.- Minapur
P.O.- Daud Chapra, Distt.- Muzaffarpur).

(Plaintiffs) Appellants

Versus

1. Bihar Hindu Religious Trust Board, Patna
Through its President, Vidyapati Marge, Patna-800001.
(Defendant 01st Party) Respondent 01st Party.
2. Ajay Kumar, S/o late Ragho Pd. Sah.
R/o village- Daud Chapra, P.S.- Minapur,
P.O.- Daud Chapra, Distt.- Muzaffarpur.
(Defendant 02nd Party) Respondent 02nd Party.
3. Sanjay Sah @ Sanjeev Sah, S/o Late Badri Sah.
4. Nand Kishore Sah, S/o Late Awadh Sah.
(Both R/o village- Daud Chapra, P.S.- Minapur, P.O.- Daud Chapra, Distt-
Muzaffarpur.)

(Plaintiffs) Respondent 03rd Party.

Date of Judgment : 26.05.2026

For the appellants: : Sri Hans Kumar, Advocate.

For the Respondent Ist party: Sri Akhilesh Kumar, Advocate

IN THE COURT OF PRINCIPAL DISTRICT JUDGE, MUZAFFARPUR

Misc. Civil Appeal. 11/2023

For the Respondent 2nd party: Sri Gopal Kumar Singh, Advocate

For the Respondents 3rd Party: Sri Shyam Shankar Pd. Sinha, Advocate.

J U D G M E N T

1. This Miscellaneous appeal has been preferred by the plaintiffs/appellants against the order dated 27-09-2023, passed by Sub-Judge 09th, Muzaffarpur (East), in Title Suit no. 05 of 1993, whereby the Ld. Court rejected the petition filed under Order 39 Rule 1 and 2 read with Section 151 of the Code of Civil Procedure, seeking temporary injunction against the Respondent (defendant) 1st party.
2. The case of the plaintiffs/ appellants in brief is that one Jagan Sah, ancestor of the plaintiffs had a son namely Jhapsi Sah, who had two wives, Bhagwati Sahun and Gunaury Sahun. Jhapsi Sah had no issue from Bhagwati Sahun, but had three daughters namely Abhela Sahun, Chhema Sahun and Kalri Sahun, from Gunaury Sahun, and the plaintiffs are the descendants of Jhapsi Sah.

It is further pleaded that Jagan Sah constructed a temple and placed idols of Sri Ram Lakshmanji therein and started performing Raj, Bhoj, Samaiya, Puja path himself. Later in the year 1911, dated 20.09.1911, a registered deed of endowment was executed in favour of Sri Ram Lakshmanji Maharaj. The deed of endowment mentions that the affairs of the temple and the property would be managed by Mosmat Bhagwati Shahun and the heirs during their life time after their death, the legal heir who would be competent to manage the property and the affairs of the temple, would take over. It was also mentioned that in case no heir is found competent enough to manage the temple and its affairs, in that case the Panches of the village would choose a person to manage the affairs of the temple and its properties.

3. It is further pleaded that as per the terms of the endowment dated 20.09.1911, Ram Saran Sah, one of the legal heirs of the executants served as Sewait till 1971 and after his death, the plaintiff became the Sewait and had been managing the affairs of the temple. It is pleaded that since Bihar Hindu

Religious Trust Board started interfering in the affairs of the temple and illegally claimed its property as Public Trust, the plaintiffs filed Title Suit no 05 of 1993, seeking declaration to the effect that the Sri Ram Lakshaman Ji Maharaj and its properties was a Private Trust, not Public Trust. When respondent 1st Party initiated the process to form a committee for managing the property of the temple, the plaintiffs filed an injunction petition dated 15.12.2022, praying to pass an ad-interim injunction, restraining the defendant 1st party from constituting the committee, till the disposal of the suit. However, the Ld. Court rejected the petition filed under Order 39 Rule 1 and 2 read with Section 151 of the Code of Civil Procedure, seeking temporary injunction against the Respondent (defendant) 1st party. Hence, it is being aggrieved by the aforesaid order that the plaintiffs have preferred the present Miscellaneous appeal.

4. The Respondents filed their written argument wherein they pleaded that after the death of Ram Sharan Sah, the Sewait was appointed by the Panch, in conformity with the terms of the deed of Endowment and the temple was taken over by Bihar Hindu Religious Trust Board in the year 1999, as reflected in the District Gazette dated 01.08.2001, and since then it has been constituting committees to look after its affairs. It is also pleaded that the Bihar Hindu Religious Trust Board has constituted a new Committee on 27.07.2023 and a notification has been issued to that effect. It is further pleaded that the committed has already been constituted by the B.H.R.T. Board Patna and the appeal is fit to be dismissed.
5. The learned trial court on analysis of the pleadings and documentary evidence, arrived at the conclusion that the plaintiff has neither been able to establish a prima facie case in its favor, nor show that the balance of convenience lies in their favour or irreparable injury would be caused if injunction is not granted. Thus, he held that the application dated 15.12.2022 of the plaintiffs, seeking ad-interim injunction against Defendant/Respondent no. 1 was not maintainable and accordingly dismissed the same. Feeling aggrieved by and dissatisfied with the impugned order dated 27.09.2023 passed by Sub-Judge 09th, Muzaffarpur (East), in Title Suit no. 05 of 1993, refusing to grant

temporary injunction against Respondent No.1 (BHRTB), the plaintiffs have preferred the present miscellaneous appeal.

6. After hearing the rival arguments advanced on behalf of the parties and perusal of the record, the following points arose for consideration in this appeal:-
- (i) Whether the trial court considered the principles of grant of temporary injunction i.e. prima facie case, balance of convenience and irreparable loss?
 - (ii) Whether the trial court erred in refusing to grant temporary injunction as sought by the plaintiff and whether the order of the trial court is on proper appreciation of facts and needs any interference?
7. It is settled principle that while granting or refusing to grant injunction, a Court should exercise sound judicial discretion to find the amount of substantial mischief or injury which is likely to be caused to the plaintiffs, if the injunction is refused and compare it with that it is likely to be caused to the other side if the injunction is granted. Only on weighing competing possibilities or probabilities of likelihood of injury, an injunction would be granted. The Court should not interfere only because the property is a very valuable one. In dealing with such matters, the Court must make all endeavours to protect the interest of the parties by balancing the conveniences and inconveniences. In addition to the basic principles, temporary injunction, being an equitable relief, the discretion to grant such relief will be exercised only when the plaintiff's conduct is free from blame and he approaches the Court with clean hands.
8. Therefore, in the facts of the given case, as is evident from the impugned order of the learned Court of Sub-Judge-9, East, Muzaffarpur, that the Bihar Religious Trust Board had taken over the Temple in the year 2001 itself and since then committee has been constituted to look into its affairs. A committee has also been constituted on 27.07.2023. So, in the given facts, there is no material which would show that the trial court exercised its jurisdiction illegally or with material irregularities. In view of the matter, this Court does

not find any ground to interfere with the order of the trial court. The order of the trial court is well reasoned and needs no interference.

9. In view of the above discussion, I find no material illegality or irregularity in the order dated 27.09.2023 passed by learned trial court and therefore, the miscellaneous appeal is dismissed and findings of trial court are affirmed. Accordingly, the present miscellaneous appeal stands dismissed. All the pending applications, if any, stand disposed of.
10. However, taking into account the fact that Title Suit 05/93, is pending adjudication for the last 33 years, the learned Trial Court is directed to dispose of the matter as expeditiously as possible, preferably within a period of 6 months.

The judgment was typed and corrected by Me:

sd/-

**{Shweta Kumari Singh}
Principal District Judge,
Muzaffarpur.
(Dated 26th day of May, 2026)**