

MHAK070007972026



R.C.S. No. 27/2026

Order Below Exh.5

(Date:- 07.05.2026)

By this application, the plaintiff is seeking interim injunction against defendants restraining from interfering to do lawful, religious and spirituous activities to the plaintiff as “*Sajjadnashine*”, and restraining defendant no.2 to act as a *Sajjadnashine* under Order XXXIX, Rule 1 and 2 of the CPC 1908.

2. Advocate for plaintiff contended that, the suit Dargah namely Hazarat Mohd Masum Armaan and Hazarat Mohd Ainuddin Arif Ali Armani Naqshabandi (herein after referred to as “**Said Dargah**”) situated at Kasarkhed, Balapur, within the jurisdiction of this Court. It is further contended that, plaintiff is lawful, legitimate and only appointed *Sajjadnashine* of Said Dargah by previous *Sajjadnashine* namely Late Mohd Saddique Armani Naqshabandi during his lifetime on 01.07.2014 by issuing *Ijaazat-nama* (certificate of *Caliphate*). Then *Sajjadnashine* died on 12.02.2022, thereafter, plaintiff, duly nominated successor during his lifetime was publicly acknowledge as a *Sajjadnashine* on the auspicious occasion of *Urs-e-chehlum* held on 23.03.2022. Thereafter, *Rasam-e-sajjadagi* was performed in presence of devotees, caliphs, disciples, followers and particularly the elder caliphs of *Silsila*. The said declaration was accepted by all present without any objection and in token of such acceptance, they executed *Halafnama* confirming position of *Sajjadnashine* with their respective signatures. Therefore, the plaintiff has been lawfully performing religious activity as a *Sajjadnashine* in the Said Dargah.

3. The plaintiff further contended that, office of *Sajjadnashine* is a spiritual governed by established customs, usages and valid nomination not by inheritance or self assumption. He further contended that, one Mohd Malang @ Masoom Naqsbandi, founder and manager of *Darbar-ul-naqsbandi* was also disciple of Late Mohd Sadique Armani Naqsbandi who obtained certificate of *Caliphate* on 20.05.1992 from Late Mohd Sadique Armani Naqsbandi, allegedly appointed as *Sajjadnashine* in his place. Though he obtained said certificate in the year 1992 but he expired on 09.05.2014 during the lifetime Late Mohd Sadique Armani Naqsbandi. Therefore, no such right of successor ever accrued in favour of him. The plaintiff is the only lawful *Sajjadnashine*, exclusive and individual in nature and lawful holder of such office.

4. The plaintiff further contended that, in the midnight on 06.05.2022 between 1 a.m. to 2 a.m., defendant no.1 unlawful manner performed false and illegal *Rasam-e-sajjadagi* at the Said Dargah projected the defendant no.2 as *Sajjadnashine* which is totally unlawful and contrary to the religious practices governing the *Silsila*. The defendant no.1 to 4 have no right to appoint or declare any person as a *Sajjadnashine* of the Said Dargah. The defendant nos.2 and 3 are vice-president and secretary respectively of Dargah Mohd Masoom Armaan Shahbaba and Dargah Mohd got Hayat Naisan Shahbaba trust vide registration no. MSBW/AKL/100/2009. The D.N. foundation is merely Charitable Trust is at best affiliated with the Said Dargah with the limited purpose. The defendant no.1 and Said Dargah trust jointly published pamphlets and banners, arranging annual program projecting defendant no.2 as *Sajjadnashine* since 2024. Further defendant no.4 is alleged to be operating an unregistered group under the name of Armani group Balapur and illegally collecting donations in the name of

Said Dargah. Further, defendant no.4 independently organized and celebrates annual *Urs* program and falsely recognized and project defendant no.2 as *Sajjadnashine* of the Said Dargah from the year 2019. In such circumstances, plaintiff filed the present suit, seeking temporary injunction restraining defendant no.2 act as a *Sajjadnashine* and restraining other defendants to perform any other related activities. Hence, this application.

5. The serving officer i.e. Court Bailiff went to the place of defendant no.1 on 02.05.2026 but 5 to 6 persons present over their orally informed that, officer bearer of defendant no.1 is presently residing at Mumbai therefore, they refused to accept the notice. Therefore, no say is filed by defendant no.1.

6. Defendant no.2 to file his reply at Exh. 20 wherein he opposed an application on the ground that, the plaintiff is not having any right to file the present suit. Further, suit is liable for dismissed for non-joinder of necessary parties of the defendant no.1 Trust. Plaintiff approached to this court with unclean hand by suppressing material facts for purpose of obtained order in his favour from the court. He further contended that, Said Dargah is duly registered with Waqf under Section 37 of the Waqf Act, 1995 with registration no. MSBW/AKL/100/2009, dated 15.08.2009. Mohd Malang Masoom Naqsbandi was a president till his death and defendant no.2, 3, 4 are trustees of the Said Dargah. The defendant no.3 Mohd. Julphoddin Mohd Sadique Armani is father-in-law and real uncle of plaintiff.

7. The defendant no.2 further contended that, Shah Mohd. Sadique Armani was *Sajjadnashine* and during his lifetime, on 25.01.1999, he appointed Shah Mohd Malang Masoom Naqsbandi as *Sajjadnashine*

with full and absolute right by performing *Rasam-e-Sajadagi* in presence of *Caliphate*, senior disciple, respected elders of the *Silsila* and the Said Dargah trustee. Accordingly, pamphlets (Sandal) were also published. Thereafter, been *Sajjadnashine* issued certificate to that effect, which is duly notarized before notary. Late. Shah Mohd Malang Masoom Naqsbandi exercised rights of *Sajjadnashine* publicly and continuously without any challenge until his demise in 2014. After his demise rights and duties of *Sajjadnashine* were exercised by the trusty of the Dargah till 05.05.2022.

8. It is further contended that, defendant no.2 came to be appointed as *Sajjadnashine* unanimously in accordance with the established tradition and custom of the *Silsila* on 05.05.2022 which was publicly recognized since 2022. The said appointment was done according to the constitution of the Said Dargah trust and certificate to that effect to issue to defendant no.2. He further contended that, annual *Urs/Sandal* ceremony schedule date from 5th to 7th May as per the constitution of the Dargah. Keeping in mind the scheduled ceremony, the plaintiff with mala fide intention to disturb the said program filed the present suit. Hence, he prayed for rejection of the application.

9. Defendant no.3 supported the claim of the plaintiff. As far as, service of notice to defendant no.4 is concerned, wife of defendant no.4 namely Seema Anjum refused to accept the notice. As such, report dated 04.05.2026 filed on record to that effect by Bailiff.

10. Heard advocate for plaintiff as well as advocate for defendant nos.2 and 3.

11. Considering the application, reply and documents filed on record, I framed following points to which I record my reasons as under.

Sr.Nos	Points	Findings
1.	Whether plaintiffs have made out prima facie case ?	No.
2.	Whether balance of convenience lies in favour of plaintiffs ?	No.
3.	Whether plaintiffs would be caused irreparable loss if injunction is refused ?	No.
4.	What order?	The application is dismissed, as per final order.

REASONS

12. The plaintiff relied upon the documents i.e. Ijjazat-nama (certificate of Caliphate) dated 01.07.2014, death certificate of Late Mohd Sadique Armani Naqsbandi, photograph of Rasam-e-sajjadagir, Halafnama in respect of Urs-e-chehlum, death certificate of Mohd Malang Masoom Naqsbandi dated 10.05.2014, Ijjazat-nama (certificate of Caliphate) of Mohd Malang Masoom Naqsbandi dated 20.05.1992, screenshot of pamphlets Urs program, map of Dargah, notice dated 11.04.2024, postal consignment report, photographs, Ijjazat-nama of the Late Saddique Armani dated 05.05.1984, objection regarding finalizing of scheme submitted by Mohd Malang Masoom dated 03.07.2014, reply on objection dated 29.11.2023, change report from to CEO of Maharashtra Wakfs Board.

13. The defendant no.2 also relied upon registration certificate dated 15.08.2009 of Said Dargah issued by Maharashtra State Board of Wakfs, Aurangabad, trust schedule dated 30.09.2019, registration certificate

dated 05.08.2000 in respect of Darbarul Naqsbandi Foundation issued by Assistant Registrar Co-Op Society, registration certificate dated 16.10.2000 issued by BMC, photographs, pamphlets, certificate of Sajjadnashine dated 25.01.1999, Caliphate nama dated 20.05.1992, death certificate of Mohd Malang Masoom, certificate of Sajjadnashine dated 05.05.2022 given to defendant no.2 by Dargah trust, trust scheme dated 27.03.2017, permission letters dated 02.05.2022, 02.05.2024, 02.05.2025, 02.05.2026 for procession to Sandal Urs program by police authority.

AS TO POINT No.1:

14. The question relates to whether the plaintiffs have prima facie case to grant temporary injunction or not ?

15. Before adverting involving question in the suit and prima facie case of the plaintiff, it is necessary to know as to the concept of Sajjadnashine. As laid down in the book written by Mulla, The Principle of Mahomedan Law 23rd edition, the word “Sajjadnashine” (spiritual superior) is derived from Sajjada, i.e. carpet used by Mahomedan for prayer, and Nashine i.e. setting. Sajjadnashine take precedence on the carpet during a prayer. *“A Sajjadnashine is a head of a Khankhah, a mahomedan institution analogs in many respects to a math where Hindu religious instruction is given. He is a teacher of religious doctrine and rules of life, and the manager of institution and administrator of charities, and has, ordinarily speaking a larger right in the surplus income than Mutawalli.”*

16. The plaintiff and defendants do not dispute that, Dargah of Hazarat Mohd Masoom Arman and Hazarat Mohd Ainuddin Arif Ali

Armani Naqsbandi is situated at Kasarkhed, Balapur, Tq. Balapur, Distt. Akola. It is not disputed that, the Said Dargah is a registered with Maharashtra State Board of Wakfs dated 15.08.2009. It is not also disputed that, Late Mohd Saddique Armani Naqsbandi was Sajjadnashine at the said Dargah where he perform his spiritual and religious Shrine. Undisputedly, Late Mohd Saddique Armani Naqsbandi died on 12.02.2022.

17. It is the contention of the plaintiff that, initially, Mohd Saddique Armani Naqsbandi was performing and acting as *Sajjadnashine* at the place of the Said Dargah. During his lifetime he had appointed Mohd Malang Masoom his successor as a *Sajjadnashine*. However, the appointed *Sajjadnashine* died prior to the Mohd Saddique Armani Naqsbandi. According to the plaintiff, he was appointed as a *Sajjadnashine* on 01.07.2014 by Mohd Saddique Armani Naqsbandi then *Sajjadnashine* by issuing *Izzajat-nama* (certificate of *Caliphate* and authority) dated 01.07.2014. In support plaintiff relied upon said certificate having Manuscript in Urdu, therefore he submitted translated copy. To this certificate advocate for defendant no.2 objected that, the said certificate is made forged document and its original copy is lying with the defendant no.2. Further, the plaintiff relied upon some photographs showing some religious activities. Further, the plaintiff submitted that, he obtained *Urs-e-chehlum* obtain on the 40th day of the death occasion of first *Sajjadnashine*. The defendant has denied the contention of the plaintiff having been appointed by the then *Sajjadnashine* to the plaintiff.

18. It is pertinent to note that, Said Dargah is a registered trust with Maharashtra State Board of Wakf's, Aurangabad. To support,

defendant no.2 filed registration certificate of Said Dargah which is not disputed the said certificate shows that Said Dargah was registered with Maharashtra State Wakfs Board dated 15.08.2009. The defendant no.2 filed schedule of the trust dated 30.11.2019 issued by Chief Executive Officer, Maharashtra State Board of Wakfs. Aurangabad, which reflected name of trustee as well as manager. There appears 7 Trustees, 1 Manager in respect of Said Dargahh. The name of the defendant nos.2, 3 and 4 are shown one of as a Trustees. Apart from, there are manager as well as other trustees to the said Trust. In this respect, the advocate for defendant no.2 argued that, since all trustees were not made necessary party in the suit, therefore the present suit is liable to be dismissed on that only count. Further, plaintiff is trying to suppressed the actual fact from the court with ulterior motives.

19. The advocate for plaintiff submitted that, Mohd Malang Masoom Naqsbandi never acted upon or performed as a *Sajjadnashine* after his nomination and declaration by his predecessor Mohd Saddique Armani Naqsbandi. To counter this, defendant no.2 relied upon certificate of *Sajjadnashine* dated 25.01.1999, appointed Mohd Malang Masoom Naqsbandi. After his appointment said Malang Masoom exercised the right of *Sajjadnashine* publicly and continuously without any challenged until his death in 2014. Since 2014 the trust has taken over all these activities since no *Sajjadnashine* was appointed till 2022. Thereafter, defendant no.2 was appointed as a lawful *Sajjadnashine* on 05.05.2022 according to custom and tradition of the *Silsila*. To support the contention defendant no.2 relied upon certificate of *Sajjadnashine* and photographs. The said certificate bears signature of all trustees. To further support the constitution of the trust reflects that, in case of death of *Sajjadnashine* (heir of the Shrine) Chairmen, *Janasheen* (heirs

of the son), shall succeed as the new *Shajjadaha nasheen*. If the *Janasheen* (heir of the son) has not been declared by the *Sajjadnashine* it shall be checked whether he has left a will and act accordingly. In absence of a will the surviving trustee, *Khalifas* (Caliphates) of Armani *Silsila* which has lineage through Hazart Sultanul Arifin Ainuddin Arif Ali son and second *Sajjadnashine* of Hazart Mohd Masoom Arman Shahbaba and elders of the Armani family shall choose the new *Sajjadnashine*.

20. The advocate for defendant no.2 argued that, in pursuance of constitution of the said Dargah trust, the defendant no.2 came to be appointed as *Sajjadnashine*. To the said contention, advocate for plaintiff opposed contending that, once Mohd Saddique Armani Naqsbandi appointed the plaintiff as *Sajjadnashine* during his lifetime therefore, appointment and declaration in respect of defendant no.2 is not in adherence with spiritual customs and tradition permitted.

21. In this context, the advocate for defendant no.2 invited my attention towards the cause title of the plaint showing the age of the plaintiff is 27 years old and considering his contention with respect to appointment in 2014. At that time, he might have been at the age between 14 to 15 years. In this respect, the advocate for defendant argued that, the minor cannot be appoint as *Sajjadnashine* for which he invited my attention towards the Mulla's book wherein the criteria to appoint *Sajjadnashine* is given. Further, shows that minor cannot be appointed as a *Sajjadnashine*. The advocate for defendant also raised the genuineness of the certificate dated 01.07.2017 produced by the plaintiff which is forged one. Having regard to the rival submissions as

well as the Mulla's book The Principle of Mahomedan Law, I found the force of the argument of the defendant no.2.

22. Having regard to the contention raised by the plaintiff, he was nominated and appointed *Sajjadnashine* by Mohd Saddique Armani Naqsbandi on 09.05.2014. In such circumstances, the plaintiff has to bring on record some material to show that, he has been discharging his spiritual activities as *Sajjadnashine* from the place of Said Dargah since his appointment. The plaintiff further contented that, in the night of 06.05.2022, defendant no.2 was projected as *Sajjadnashine* unlawfully, which is contrary to the established custom and usage as well as religious practices govern the *Silsila*. In this respect, advocate for defendant no.2 took a defence that, if plaintiff is well aware as to appointment of defendant no.2 Said Dargah as a *Sajjadnashine*, then why he did not take any action or approach to the appropriate authority against defendant no.2. Considering, the pleadings as well as reply, it reveals that, plaintiff was having well within the knowledge of appointment of defendant no.2 as *Sajjadnashine* in the year 2022, then question arise that, why he did not approached to concern authority for this illegal appointment. The said circumstances reveals and raised question over the plaintiff being *Sajjadnashine*.

23. In order to show, the religious and spiritual activities in the Said Dargah performed by defendant no.2. He relied upon permission letter granted in his name to perform and carry out a procession in respect of Sandal. He produced letter of permission granted by concern, Police Station since 2022, to current year. The said letter is transpires that defendant no.2 act as *Sajjadnashine* in the Said Dargah. On the contrary, the plaintiff is not having any primary document to show that

he acted as a *Sajjadnashine*. Further, it cannot be ignored as to the criteria stipulated under the Muslim usage and custom that minor cannot be appointed as *Sajjadnashine*. Taking into consideration, current age of the plaintiff and the year in which he was appointed as *Sajjadnashine*, in pursuance of his contention, he might have 14 to 15 years old at the time alleged nominated and declaration of *Sajjadnashine*. In absence of revealing any activities performed as *Sajjadnashine*, his contention to be appointed as a *Sajjadnashine* become doubtful at this stage.

24. Per contra, the documents in respect of the constitution of the trust transpires that, office bearer of the trust shall have power to appoint *Sajjadnashine*. Therefore, defendant no.2 was appointed and declared a *Sajjadnashine* after compliance with all the religious procedure. Since the Said Dargah is registered and its own constitution therefore contention of the defendant no.2 in respect of appointment and nomination as *Sajjadnashine* to defendant no.2 is supported.

25. The advocate for plaintiff relied upon judgment of Honb'e Apex Court, in case of **Syed Mohammed Ghouse Pasha Khadri v. Syed Mohammad Adil Pasha Khadri and others (Civil Appeal no. 13345–13346 of 2015)**. I have carefully gone through the said judgment, arising out of dismissal order passed by the Hon'ble High Court. By this judgment, Hon'ble Apex Court upheld appointment of respondent as *Jaannashine* by the original *Sajjadnashine* through *Caliphate-nama* and lawfully succeed to the office of *Sajjadnashine* upon demise of the predecessor. The present case has been adjudicated after taking all evidence on merits. In the instant case, the case in hand is at the verge

of temporary injunction, whether granted or not. Therefore, this case is not helpful in the present case.

26. Advocate for defendant relied upon the judgment of the Hon'ble Bombay High Court, in case of **Arun Jackson James vs Brihan, Mumbai municipal Corporation and others (MANU/MH/2663/2016)**. It is necessary to join all interested party in the suit. The suit is not maintainable for want of non-joinder of necessary parties.

27. Further relied upon the provision under Order XXXI of CPC, which provides that, if the suit is filed by or against the trustee, executive and administrator, in that situation, trust is executives or administrator shall be made parties to the suit. But in this case, all trustee were not made a party. He further relied upon the judgment of Hon'ble Bombay High Court in case of **Homi Nariman, Bhiwandiwalla vs Zorastrian cooperative credit Bank Limited and others. (MANU/MH/0939/2001.)** It is held that, all trustee should be join. If legal action is initiated against trust. Further, relied upon the judgment of Hon'ble Allahabad High Court in case of **H. Bevis and Co. vs Ram Behari and others.(MANU/UP/0287/1950.)** It is held that, normal role is that temporary injunction cannot be granted, except after notice of the application for temporary injunction to the opposite party. The said judgment is not useful case in hand as notice were served upon all the defendants. He further relied upon the judgment of Hon'ble Bombay High Court in case of **Har Charanjeet Singh, Thind and others vs Diksha Thind and others (MANU/MH/0205/2008)**. It is held that, the party who suppresses from the court, material fact, doesn't deserve the grant of any discretionary relief, must less temporary injunction.

28. Taking into consideration, rival submission as well as documents relied by both parties, though the plaintiff is claiming to be nominated and declare as a *Sajjadnashine* to act and perform religious and spiritual shrine by the then *Sajjadnashine* but it has not been supported a prima facie with reliable documents. On the contrary, the defendant no.2 has supported documents which can be relied at this stage rather than the plaintiff. Further, it is pertinent to note that according to the pleading by the plaintiff, if defendant no.2 has been acting as a *Sajjadnashine* since 2022, then why the plaintiff has not approached to the concerned authority, challenging act of the defendant no.2. Further, it cannot be ignored that, the plaintiff is seeking a relief under the trust register under the Maharashtra Board of Wakfs but however, it appears that, all the trust is were not made as a necessary parties. Taking into account or factors in consideration, the plaintiff has failed to establish his prima facie case. Hence, answer to point no.1 in negative.

AS TO POINT NO. 2 & 3:

29. As far as balance of inconvenience and repairable loss or concern, admittedly, a religious program, i.e. *Urs/Sandal*, has been already arranged and being performed by defendant No.1, scheduled between 05.05.2026 to 07.05.2026. Already, the programme of *Urs/sandal* is being carried out in the Said Dargah. Considering all this factors, balance of inconvenience lies in favour of defendants, if injunction is granted. The plaintiff would not be suffered any irreparable loss, if the injunction would not be granted. On the contrary, defendants would suffer irreparable loss if, temporary injunction is granted. Having regard to all these factors, the plaintiff has no prime case, balance of inconvenience lies in favour of the defendants. Hence I answer to point nos.2 and 3 in negative.

AS TO POINT No. 4:

30. In the light of aforesaid discussion and reasons, the plaintiff failed to establish prima facie case in his favour. So also, balance of inconvenience tilt in favour of defendants. There is no question arise to cause irreparable loss to the plaintiff, if injunction is not granted. Therefore, the plaintiff is not deserved to be entitled for temporary injunction. Hence, I pass the following order:

ORDER

1. Application for temporary injunction at Exh.5 is dismissed.
2. Costs in cause.

(Typed & pronounced in open Court.)

Date : 07.05.2026.

(D. M. Waghmare)
Jt. Civil Judge, Junior Division,
Balapur.

I affirm that the contents of this P.D.F. File Judgment/Order are same, word to word, as per the original order.		
Name of the Court	:-	Shri. D. M. Waghmare Jt. Civil Judge, J.D. & J.M.F.C., Balapur
Name of the Stenographer	:-	Ajay N. Hande
Date of Decision	:-	07/05/2026
Order signed by PO on	:-	07/05/2026
Order uploaded on	:-	07/05/2026