

ORDER BELOW EXH.NO.5 IN
REGULAR CIVIL APPEAL NO.13/2026
(Vishnu Krishnaji Salunkhe alias Chitruk vs. Vilas Narsu Mulik etc.)
(CNR - MHSN170001652026)

1] This is an application filed by the appellant/original plaintiff seeking relief of temporary injunction restraining respondents No.1 to 17 and 19 (original defendants No.1 to 17 and 19) from causing obstruction either by themselves or through servants, relatives or third persons in conducting worship in Shree Vetalguru Devasthan, Revangaon (Khurd), Tal. Khanapur, Dist. Sangli during Yatra festival starting from Chaitra Amavasya of 2026 and subsequent thereto. Perused application and reply (Exh.11) filed by respondent No.10. Respondent No.10 had filed caveat application No.33/2026 for himself and respondents No.1 to 9 and 11 to 17 and 19. The appellant has not sought any relief against respondent No.18 as per pursis uploaded on 06.04.2026. Respondent No.20 has admitted claim of the appellant. Heard Ld. Counsel Shri. P. D. Bhosale for the appellant and Ld. Counsel Smt. S. H. Jadhav for respondent No.10.

2] On perusal of contents in the plaint, the appellant had sought relief of permanent injunction to conduct worship in above referred temple against respondents No.1 to 20. Subsequently, application Exh.59 was filed by the respondents raising objection to jurisdiction of Civil Court and seeking relief of rejection of the plaint under Order VII Rule 11(d) of the Code of Civil Procedure. Ld. Trial Court heard both sides and passed impugned order dated 05.03.2026 below Exh.59 in R.C.S. No.88/2025 by Ld. Jt. Civil

Judge, Junior Division, Vita rejecting the plaint. Ld. Trial Court had specifically observed that the Civil Court has no jurisdiction to deal with issues or disputes which are required to be adjudicated by the Charity Commissioner as per section 80 of the Maharashtra Public Trusts Act, 1950.

3] If record is perused carefully, it appears that the respondents had approached Assistant Charity Commissioner, Sangli for registration of Shree Vetel Guru Devasthan, Revangaon (Khurd) and the said application came to be rejected as per order dated 17.03.1992. Ld. Assistant Charity Commissioner has specifically observed in concluding part of the order that no trust exists in respect of land Gat No.723 on which temple structure stands and it being a forest land and consequently, no public trust thereof. After recording this finding, it is further observed that it may be mentioned here by way of observations that the respondent (the present plaintiff/appellant) is at liberty to perform pooja-archa, etc. of the temple provided it is not objected by any Government authority. In short, contention of the respondent regarding formation of charitable trust in respect of the said temple has been rejected by Assistant Charity Commissioner long ago almost 34 years ago. Furthermore, rights of the appellant to conduct worship in the temple are also fortified and endorsed in the said order. There is no challenge to the said order till date. Furthermore, proceedings conducted long ago in the year 1938 before Mamlatdar reveal that rights of ancestors of the appellant to conduct worship in the said temple are admitted. In short, there is nothing new to

raise contention about right to worship in the said temple by the appellant. Old record fortifies to the contention of the appellant.

4] Subsequent developments in the form of approaching Assistant Charity Commissioner for formation of charitable trust and acts of carrying out construction work of Bhakt Niwas, etc. reveal that the respondents are acting in denial of rights of the appellant. For this reason, the appellant is having prima facie case. So far as issue of maintainability of the suit is concerned, it can be dealt with while deciding present appeal on merit. As other respondents have not filed reply, present application can be kept pending for decision on merit. Meanwhile, ad-interim relief can be granted. Hence, I pass the following order :-

: ORDER :

- 1) Application at Exh.5 is kept pending.
- 2) Meanwhile, effect and operation of impugned order below Exh.59 dated 05.03.2026 in R.C.S. No.88/2025 passed by Ld. Jt. Civil Judge, Junior Division, Vita, Tal. Khanapur, Dist. Sangli is hereby stayed.
- 3) Respondents No.1 to 17 and 19 are hereby restrained from causing obstruction either by themselves or through servants, relatives or third persons in conducting worship in Shree Vetalguru Devasthan, Revangaon (Khurd), Tal. Khanapur, Dist. Sangli by the appellant during Yatra festival starting from Chaitra Amavasya of 2026 and subsequent thereto till further order.

Vita
dt.06.04.2026

(R.R. Bhagwat)
District Judge-1,Vita