

IN THE COURT OF DISTRICT JUDGE - 03, PANDHARPUR**Misc. Civil Appeal No. - 4/2021.****Bhimacharya Varkhedkar Vs. Executive Officer
Vitthal Rukmini Samiti, Pandharpur.****ORDER BELOW EXH. 31**

01. This is an application filed by appellant praying that, ad interim relief be granted against the respondent and also prayed that, order be passed on Exh. 17 and 22. The appellant submitted that, during the hearing on Exh. 17 and 22 the respondent filed pursis Exh. 27, wherein the respondent submitted that, if the meeting was held regarding applying of coating on the idol of lord Vitthal, notice be served to the appellant before one week and should inform to the appellant that meeting was arranged under the head of collector on 05.06.2026. The appellant submitted that, respondent has not obeyed the directions given on Exh. 27 and 28. It is submitted by the appellant that the respondent should explain what was urgency for arranging the meeting and their purpose for resolution and they have to explain about the same to the Court as well as appellant. The appellant will suffer irreparable loss if ad interim relief is not granted. Hence, he prayed that, ad interim relief be granted or further order be passed on Exh. 17 and 22.

02. The respondent filed say at Exh. 33 and resisted application. The respondent has decided to arrange the meeting and accordingly the letter was issued to the appellant. Before meeting the respondent has already communicated about the meeting to the appellant. Lastly respondent prayed for rejection of application.

03. Heard appellant in person and Ld. Advocate for respondent.

04. Perused contents of application and say filed by respondent. By this application the appellant prayed that, ad interim relief be passed and also prayed that, order be passed on Exh. 17 and 22. At the outset it is to be noted that, the argument of both the sides was not yet completed on Exh. 17 and 22. The appellant himself mentioned in application that during the argument on Exh. 17 and 22 the respondent filed pursis at Exh. 27. Thus, it is clear that, final argument is not yet concluded on Exh. 17 and 22. Under these circumstances it is not proper to pass any order on Exh. 17 and 22.

05. In present case, the appellant is praying for ad interim relief. The present Misc. Appeal is filed against impugned order passed by the Ld. Trial Court below Exh. 198. The said appeal is filed in the year 2021. More than five years have been lapsed from the date of filing of appeal. The suit is also filed in the year 1987. Interim application filed by the appellant below Exh. 198 was rejected in the year 2020. Thereafter no interim relief was granted in favour of appellant. Therefore, there is no urgency in this matter. Hence, ad interim relief cannot be granted.

06. It is argued by the appellant that, the respondent is trying to do work of putting or applying coating over the idol of lord Vitthal after receipt of report of expert person. If the respondent is permitted to apply coating over the idol of lord Vitthal it will affect religious and spiritual sentiments of lacks of followers of Sanatan Vaidik Vaishya Sampraday. Hence, he is claiming ad interim relief. It is admitted fact that, thousands of devotees from the corners of country visit temple for glimpses

(Darshan). There are pits and scratches on the idol of lord Vitthal. Therefore, in order to protect and conserve the idol of lord Vitthal, it was decided by temple committee that, chemical coating must be applied to lord Vitthal and Goddess Rukmini. At the outset it is noted that, the committee of the temple is formed by the Govt. of Maharashtra as per the Act by issuing notification. The intention of respondent behind applying coating over the idol is to conserve the same till time of immortal to follow for future generation. Except appellant nobody from devotees of lord Vitthal or even followers of Sanatan Vaidik Sampraday has opposed or challenged the action of respondent to apply coating over the idol of lord Vitthal. The appellant has not placed on record any reliable document in order to show that, the coating to be applied over the idol of lord Vitthal by the expert of Archaeological department will adversely affect the idol.

07. It is also admitted fact that the Govt of Maharashtra granted the permission to respondent temple to apply coating over the idol of lord Vitthal on the basis of report of expert. The Deputy Supdt. ASI, Aurangabad is Govt. department and the report suggests that, coating over the idol of lord Vitthal for conservation of the said is necessary. After inspection of idol, the expert person gave opinion that, coating over the idol is necessary. The Respondent has no any personal interest for applying coating on the idol of lord Vitthal. For the interest of the public at large the respondents are applying the coating over the idol for long and permanent conservation of idol of lord Vitthal. The respondent has taken legal steps for permission and applying coating over the idol. No person can restrict any other person from doing any lawful act or

from discharging his any lawful duty. No person can enforce his religious, spiritual or cultural views and sentiments over others. It is equitable relief and it cannot be granted. Once the Trial Court has refused to grant interim relief to the appellant, at this stage it is not desirable to grant any ad interim relief. No ad interim relief can be granted. It will adversely affect spiritual, religious views, emotions and sentiments of huge section of community. No prima facie case is made out by the appellant for grant of ad interim relief. Balance of convenience does not lie in favour of appellant and even no irreparable loss will be caused to appellant if ad interim relief is not granted in his favour. Therefore, ad interim relief cannot be granted as prayed by the appellant. It appears that, the appellant has no urgency in this matter. Therefore, his application is liable to be rejected. Hence, I pass following order.

ORDER

- 1) Application filed by appellant below Exh. 31 is hereby rejected.
- 2) Order accordingly.

Date : 18.06.2026.

(A. S. Salgar)
District Judge-3, Pandharpur

CERTIFICATE

I affirm that, the contents of this PDF file are same word to word as per the original.

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| 01. | Name of the Stenographer | - Santosh Vilas Ghongade. |
| 02. | Name of the Court | - Court of Dist. Judge 03,
Pandhapur. |
| 03. | Order/judgment signed by P.O.
on | - 18.06.2026. |
| 04. | Order /Judgment uploaded on | - 18.06.2026. |