

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

SECOND APPEAL NO. 440 of 2015

*(Harishankar Gangaramji Sharma vrs. Ramchand Bhagchand Dharm
Fund Trust and ors)*

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Ms. Dipali Sapkal, Advocate for Appellant

CORAM: R.K. DESHPANDE, J.
DATE: 16th JANUARY, 2017

Both the Courts below have rejected the claim of the plaintiff for ownership of the trust over the suit property. Undisputedly, the suit property is not included in Schedule-I of register of Public Trust. The lower appellate Court records the finding that the appellant/defendant was a Pujari by way of license from the trust. The lower appellate Court maintained the decree passed by the trial Court restraining the appellant/defendant from functioning as Pujari and carrying out any construction over the suit property. The lower appellate Court also records the finding that the father of the defendant No.1 was allowed to work as a Pujari of the temple.

In such a situation, **admit** on the following substantial questions of law.

- [I] Whether the Courts below were right in passing an order of injunction against the appellant/defendant, particularly when it has rejected the

claim of ownership of the trust over the suit property.

- [II] Whether in the absence of ownership of the plaintiff over the suit property, the lower appellate Court was right in holding that the appellant-defendant was the licensee over the suit property?

JUDGE

Rvjalit