



HIGH COURT OF JUDICATURE AT ALLAHABAD

MATTERS UNDER ARTICLE 227 No. - 3793 of 2026

Gopal Trivedi

.....Petitioner(s)

Versus

Shri Shri 1008 Mahakali Vidyapeeth Mandir and 12
others

.....Respondent(s)

Counsel for Petitioner(s) : Rishabh Agarwal, Shubham Agarwal
Counsel for Respondent(s) : Prashant Mathur

Court No. - 5

HON'BLE VIKAS BUDHWAR, J.

Vakalatnama has been filed on behalf of Shri Suresh Chandra Dwivedi (A/S 1670/2012), counsel for respondents, is taken on record.

Contention of the learned Senior Counsel for the petitioner-defendant is that the suit so instituted by the plaintiff-respondent itself was not maintainable, particularly when the entire rights stood devolved upon the plaintiff-respondent on the basis of the alleged will deed dated 06.12.1992. Submission is that the said will deed is stated to have been executed on a date when there was a total curfew and further in view of the law laid down in *Sital Das v. Sant Ram and others; (1954) 1 SCC 654* without there being any specific pleading about custom the usage, the plaintiff-respondent could not be bequeathed with the said benefits, particularly, when he was only a Manager and not a 'Chela' of the deceased Shri Prem Narayan Trivedi. Further submission is that though trial court rejected the application under Order IX Rule 1 and 2 but the lower appellate court allow the same without recording any finding so as to disapprove or create a doubt regarding the existence of the agreement dated 21.05.2006. Further submission is that without deciding the application for appointment of receiver the order impugned came to be passed.

Shri M.C. Chaturvedi, Senior Advocate who appears for the plaintiff-respondent on the other hand submits that the entire right so claimed by the defendant-petitioner is based upon the settlement dated 21.5.2006 which stood entered by Shri Prem Narayan Trivedi and once according to the defendant-petitioner, Shri Prem Narayan Trivedi could not be a beneficiary of the will then the entire claim set up by defendant-petitioner stands extinguished.

Shri M.C. Chaturvedi, learned Senior Counsel who appears for the plaintiff-respondents seeks to examine the said issue.

Put up this case on 09.04.2026 as fresh.

When the matter is next listed, the name of Shri Suresh Chandra Dwivedi shall be shown from the respondent side.

March 25, 2026

Ashu

(Vikas Budhwar,J.)