



HIGH COURT OF JUDICATURE AT ALLAHABAD

ORIGINAL SUIT No. - 9 of 2023

Bhagwaan Shree Baal Krishn Keshav Dev
Virajmaan Khewat No. 255 And 6 Others

.....Plaintiff(s)

Versus

U.P. Sunni Central Waqf Board And 3 Others

.....Defendant(s)

Counsel for Plaintiff(s)	: Saumya Srivastava, Amitabh Trivedi, Arya Suman Pandey, Ganesh Prasad Nigam
Counsel for Defendant(s)	: Afjal Ahmad, Azim Ahmad Kazmi, Hare Ram, Nasiruzzaman, Pranav Ojha

Court No. - 53

HON'BLE AVNISH SAXENA, J.

1. Case called out.

2. Sri Pradeep Kumar Sharma, Sri Prabhash Pandey, Sri Hari Shankar Jain, Sri Saurabh Tiwari (through video conferencing), Ms. Saumya Srivastava, Sri Amit Shukla, Sri Amitabh Trivedi, learned counsels for the plaintiffs, are present.

3. Sri Hare Ram Tripathi assisted by Sri Ashish Kumar Srivastava, Sri Nasiruzzaman, Sri Tanveer Ahmad, Sri Imran, Sri Afzal Ahmad, Sri Azeem Ahmad Kazmi and Ms. Tasneem Ahmadi (through video conferencing), learned counsels for the defendants, are present.

4. At the very outset, it is a general request of the parties and the counsels that for this connected bunch of petitions, a specific Court with all the paraphernalia regarding video conferencing and other technical requirements must be there in Court. It is further submitted that in all 18 cases, there are nearly about 100 parties, who have their say in the matter, therefore, it is requested for their convenience.

5. The learned Registrar General shall be apprised about all the requirements so that specific Court may be allotted to this matter with all the paraphernalia.

6. Ms. Tasneem Ahmadi, learned counsel appearing for defendant no.2, has drawn the attention of this Court towards paragraph 10 of the order dated 06.01.2025 and paragraphs 7 and 7.1 of the order dated 16.01.2025 showing that this Court has already allowed the defendant No.2 to file amended Written Statement in Original Suit No.07 of 2023 and in Original Suit No.05 of 2023 respectively.

7. The relevant paragraphs are reiterated underneath:

06.01.2025

"10. In OSUT No. 7 of 2023 Shri Anil Kumar Singh learned counsel for the plaintiffs submitted that there is no amendment application filed on behalf of the plaintiffs in the suit however he has no objection, if defendant seeks to file amended written statement therein after service of copy thereof to the counsel for the plaintiff"

16.01.2025

"7. In OSUT No. 05 of 2023, Mrs Tasneem Ahmadi, learned counsel submitted that she intends to file an amended written statement on behalf of Shahi Masjid Idgah, Committee of Management and no objection is raised by learned counsel for the plaintiffs on prayer made on behalf of defendants.

7.1. Defendant is permitted to file amended written statement accordingly, preferably, by the next date fixed. "

8. On query made about the order passed by this court in allowing the application for amending the written statement, nothing could be answered in the clarity. It was found that in actuality, there is no order whereby the present application for amendment in written statement has ever been allowed.

9. As such, this Court is of the view that the learned counsel may be heard on application for Amendment No. **58Ka1** moved under Order 6 Rule 17 read with Section 151 C.P.C.

10. It is requested by Ms. Tasneem Ahmadi, learned counsel, that the case may be adjourned for today, so that the argument could be tendered on application for Amendment No. **58Ka1**, whereby the defendant no.2 seeks

amendment in the written statement, particularly in paragraph 8 of written statement to add the following proposed paragraphs:

"8(a) That the present suit has not placed material on the record regarding the existence of faith pleaded in the suit and hence the suit is not maintainable;

8(b) The suit is not maintainable as no cause of action has been pleaded with proof of existence of faith."

11. The rival parties may file objections to aforesaid amendment application, if the same has not been filed earlier, before the date fixed, so that on the next date this application would be taken up and disposed of.

12. The following applications are pending for disposal:-

a. 58Ka1 Application under Order VI Rule 17 read with Section 151 CPC (Permit Defendant No. 2 to amend the written statement by adding paras 8(a) and 8 (b) after para 8 of the preliminary objections as set out in para 3 of the present Application);

b. 75Ga2 Application under Section 151 CPC on behalf of Defendant No. 2 (Pass appropriate directions to ensure that the original documents filed in O.S. No. 4/2023 will be read and taken into consideration in the present suit as well);

c. 74Ga2 Application for directions to comply with the Official Language Act, 1963 and Chapter VII Rule 8 of Allahabad High Court Rules, 1952 filed on behalf of Defendant No. 2;

d. 61Ga2 Application for directions under Section 151 CPC (Pass appropriate orders for completion of pleadings and admission/denial of documents before framing issues);

e. 60Ga2 Application for directions under Section 151 CPC (Decide the application for recall of order dated 11.01.2024 before proceeding further with the suits and/or framing issues);

f. 76Ga2 Application under Section 151 CPC (Keep Suit Nos. 1/2023, 2/2023, 4/2023, 5/2023, 6/2023, 7/2023, 9/2023, 10/2023, 11/2023, 12/2023, 13/2023, 14/2023, 15/2023, 16/2023, 18/2023 in abeyance by staying further

proceedings in the said suits till the disposal of Suit No. 17/2023);

g. 82Ga2 Application under Section 151 CPC (Stay all further proceedings in Suit Nos. 1/2023, 2/2023, 3/2023, 4/2023, 5/2023, 6/2023, 7/2023, 9/2023, 10/2023, 11/2023, 12/2023, 13/2023, 14/2023, 15/2023, 16/2023, 18/2023 forthwith, and proceed with Suit No. 17/2023);

h. 88Ka1 Application under Order VI Rule 17 read with Section 151 CPC (Permit the Applicant/Defendant No. 2 to cure the inadvertent defects and file an amended/additional written statement after curing the inadvertent defects set out in para no. 3).

13. List this case on **12.03.2026 at 2:00 P.M.** for objections and disposal of application no. **58Ka1** along with leading **Original Suit No.01 of 2023.**

(Avnish Saxena,J.)

February 20, 2026

CS/- Shalu