

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).8777/2003

(From the judgement and order dated 10/03/2003 in SCA No.2638/2003

of The HIGH COURT OF GUJARAT AT AHMEDABAD)

NARAYANDASJI GURU RAMKISHOREDASJI & ORS.

Petitioner(s)

VERSUS

VISHVAMBHARDASJI & ANR.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned judgment, exemption from filing O.T., stay,

permission to file additional documents,

accepting English translation and prayer for interim relief)

Date: 10/04/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE ARUN KUMAR

HON'BLE MR. JUSTICE DEVINDER KUMAR JAIN

For Petitioner(s)

Mr. Shanti Bhushan, Sr. Adv.

Mr. Sushil Kumar Jain, Adv.

Mr. B.M. Mangu, Adv.

Mr. Ram Niwas, Adv.

Mr. Sarad Singhania, Adv.

Mr. H.D. Thanvi, Adv.

Mr. Punit Jain, Adv.

Ms. Pratibha Jain, Adv.

For Respondent(s)

Mr. Ranjan Dwivedi, Adv.

Mr. R.S. Sharma,Adv.

Mr. Arvind Tiwary,Adv.

UPON hearing counsel the Court made the following

O R D E R

This special leave petition is directed against the impugned order

of the High Court dated 10th March, 2003, whereby a petition under Article 227 of the Constitution of India filed by the petitioner herein was dismissed. The matter relates to the interim order to be made during the pendency of the suit in regard to the person who is entitled to the

2/-

...

- 2 -

'Gaddi' of the Temple/Sect in question. In terms of order dated 26th September, 2003, status quo as on the said date existing on the property in question has been directed to be maintained. The whereabouts of the first respondent, Shri Vishvambhardasji, are not known since 3rd November, 2003, according to the affidavit filed by a person claiming to be his disciple. In these proceedings, we are not concerned about the manner in which the first respondent may have disappeared. On that issue, law will have its own course. The suit between the parties is pending. We are of the view that ends of justice will be met if the order of status quo made on 26th September, 2003, is continued during the pendency of the suit, subject to the leave being granted to the first respondent to apply for its variation as and when he becomes available or someone legally entitled to represent him. We order accordingly. In case such an application is filed, the trial court would consider it on its own merits without being influenced by this order. Till varied, the status quo as granted on 26th September, 2003, will continue to operate.

The special leave petition is disposed of accordingly.

[T.I. Rajput]

A.R.-cum-P.S.

[V.P. Tyagi]

Court Master