

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO 3934 of 2009

MURTHI SHRI LAXHMINARAYANJI MAHARAJ & ORS. . . APPELLANT(S)

VERSUS

RAMSWAROOP TRIPATHI & ORS. . . RESPONDENT(S)

O R D E R

The question raised before the courts below was whether the respondents are *Pujari/Manager* or the owner of the temple Shri Laxmi Narayan Ji, situated at Naya Bazar, Lashkar at House No. 19/414, Gwalior.

The said property originally belonged to one Lalliram son of Dharamjit Shivhare. In the municipal record, the same is entered as temple. According to the appellant-plaintiff(s), the respondents were merely *pujari*. They claimed to be trustees under an unregistered Trust Deed dated 03.06.1941 which is said to have been later registered. The trial court decreed the suit. The High Court has dismissed the suit holding that the plaintiffs failed to prove that they had rights as trustees.

We have heard learned counsel for the parties.

It is undisputed that the respondents do not have any title. The trial court rejected their plea that they had title. The High Court has not gone into the issue of their title and dismissed the suit.

Having regard to the nature of the suit property which is a temple, the property will vest in the Deity, irrespective of the question who manages the same as trustee. This can be done under a Scheme under Section 92 of the CPC in case of any dispute or by the concerned statutory authority, if any. There is no reason to hold that *Pujari/Manager* will become owner of the suit property.

Accordingly we set aside the impugned order and allow this appeal in above terms.

In case any dispute survives, it is open to the aggrieved party to move the concerned authority or the court competent.

.....J.
[ADARSH KUMAR GOEL]

NEW DELHI
13th FEBRUARY, 2018

.....J.
[UDAY UMESH LALIT]

ITEM NO.102

COURT NO.11

SECTION IV-A

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

IA 115536/2017, in Civil Appeal No(s). 3934/2009

MURTHI SHRI LAXHMINARAYANJI MAHARAJ & ORS.

Appellant(s)

VERSUS

RAMSWAROOP TRIPATHI & ORS.

Respondent(s)

(IA No.115536/2017-CLARIFICATION/DIRECTION and IA
No.17338/2018-CLARIFICATION/DIRECTION)

Date : 13-02-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Appellant(s) Mr. G. Umapathy, Adv.
 Mr. Rakesh K. Sharma, AOR
 Ms. R. Mekhala, Adv.
 Mr. Aditya Singh, Adv.
 Mr. N.A. Vankata Subramaniam, Adv.

For Respondent(s) Mr. B. K. Satija, AOR

UPON hearing the counsel the Court made the following
O R D E R

The appeal is allowed in terms of the signed
order.

Pending application(s), if any, shall also stand
disposed of.

(MADHU BALA)
COURT MASTER (SH)
(Signed order is placed on the file)

(PARVEEN KUMARI PASRICHA)
BRANCH OFFICER