

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.9203/2000

(From the judgement and order dated 24/01/2000 in CRP 1249/99  
of The HIGH COURT OF KARNATAKA AT BANGALORE)

RAGHAVENDRA SWAMI MUTT

Petitioner (s)

VERSUS

UTTARADI MUTT

Respondent (s)

( With Appln(s). for placing on record the Orders of this Hon'ble  
Court dated 20.1.1995 and 24.11.1995 in C.A.No. 881/1995 and with  
prayer for interim relief )  
( For Final Disposal )

Date : 09/01/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.P. MISRA  
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Petitioner (s) Mr. K. Parasaran, Sr. Adv.  
Mr. K. Chandranath Ariga, Adv.  
Mr. Krishnamurthi Swami,Adv.

For Respondent (s) Mr. B.R. Naik, Adv.  
Mr. S.K. Kulkarni, Adv.  
Mr. J.R. Kolar, Adv. for  
Ms. Sangeeta Kumar,Adv.

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

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Leave granted.  
The appeal is disposed of in terms of the signed  
order. Cost on the parties.

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Sarita (V.P. Tyagi) @@  
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COURT MASTER@@  
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(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 393 OF 2001@@  
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(Arising out of SLP(C) No. 9203/2000)

RAGHAVENDRA SWAMI MUTT

...APPELLANT

VERSUS

UTTARADI MUTT

...RESPONDENT

O R D E R@@  
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.....L.....I.....T.....T.....T.....T.....T.....J  
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Leave granted.

Heard learned counsel for the parties.

The Suit is pending before the trial court. The contest is between the appellant and the respondent. The short background of the case is that Shri Madhvacharya was the founder of the Madhva sect of Dwaitya Philosophy. According to both, the appellant and the respondent, are mutts and followers of the Madhva Philosophy of religion. Both have been propagating the cult of Madhvacharya religion by performing various religious activities. Shri Narahari Teertharu was the 18th Pontiff of Madhva hierarchy during the period from 1324 to 1333 A.D. Every year 'Aradhana' of Shri Narahari Theertharu Mruthika Brindavan on "Pushya Bahula Saptami" which falls generally in the months of January-February is performed. The dispute relates to the performance of this Tahsildar, Hospet for assignment of a portion of a land allegedly covered by the said Brindavan which was assigned by order dated 11th April, 1971. But, subsequently, cancelled on 13th December, 1996. The case of the appellant is, the possession of the said land was taken by the Government. This cancellation was challenged by the respondent-Mutt by filing appeal before the Assistant Commissioner. An interim order was passed on 24th January, 1997 by the Assistant Commissioner permitting the conduct of 'Aradhana' ceremony on the said land as usual. During the pendency of this appeal, the Assistant Commissioner and Sub-Divisional Magistrate, Hospet made an attempt to resolve the rival claims of the parties. Accordingly, proportionate time was granted to both the parties for the performance of the Aradhana' by means of order dated 30th January, 1997. Thereafter, on 18th January, 1998 the Assistant Commissioner extended the said order and continued the same for performing the said 'Aradhana'.

This led to the respondent-Mutt to file the present Suit praying for a decree of permanent injunction restraining the appellant-Mutt from interfering with their right to perform the annual Aradhana ceremony. The trial court initially granted injunction but later modified by order dated 5th January, 1999 by granting proportionate time to both the parties for performing the aforesaid disputed 'Aradhana'. Aggrieved by this, the respondent-Mutt filed an appeal before the Appellate Authority. The Appellate Authority set aside the order of the trial court and granted injunction in favour of the respondent-Mutt. The present appellant filed revision before the High Court which also confirmed the

order passed by the Appellate Authority.

After hearing learned counsel for the parties, we feel on the facts of this case not to enter into the merit of the contentions, as decision on the same may affect the adjudication of the trial court in suit. Even the impugned order is based on the prima facie assessment since evidence is yet to be led by the parties. After examining the orders passed by the Appellate Authority as affirmed by the High Court and after hearing learned counsel for the parties, we do not feel it proper to exercise our discretion to interfere with the same.

However, we feel, since religious disputes sometime, if not resolved within reasonable time take different turns. Hence it is appropriate that the trial court should expeditiously proceed with the Suit and dispose it of at an early date. With the said observations the present appeal is disposed of without prejudice to the rights of the parties. Cost on the parties.

.....J.  
(A.P. MISRA)

New Delhi,  
January 09, 2001.

.....J.  
(K.G. BALAKRISHNAN)