

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 1078 OF 2023

1. Kalidas s/o Sopanrao Sawant
Age : 50 yrs, occ : agri,
R/o Ukhali, Taluka Sonpeth,
District Parbhani
2. Mahant Gopalgir Guru Raigir
Age : 58 yrs, occ : Puja
R/o Dattatray Sansthan, Dattbardi,
Taluka Hadgaon, District Nanded.
3. Kailasgir Guru Balgir Giri
Age : 60 yrs, occ : Puja
R/o Dongargaon, Taluka Loha,
District Nanded.

Appellants

Versus

1. The Joint Charity Commissioner,
Adalat Road, Near Baba Petrol
Pump, Aurangabad.
2. Shri Swami Surendragiri Maharaj
Age : 60 yrs, opcc : Mahamandaleshwar
R/o Lakhangaon Uti (Bk.), Tal. Ausa,
District Latur.

Respondents

WITH
FIRST APPEAL NO. 1264 OF 2023

Chiranjiv Giri Guru Narendragiri,
Age : 72 yrs, occ : agri.,
R/o Post Pimpri Zola, Taluka
Gangakhed, District Parbhani

Appellant

Versus

1. The Joint Charity Commissioner,
Adalat Road, Near Baba Petrol
Pump, Aurangabad.

2. Shri Swami Surendragiri Maharaj
Age : 60 yrs, opcc : Mahamandaleshwar
R/o Lakhangaon Uti (Bk.), Tal. Ausa,
District Latur.

Respondents

...

Shri P.V. Mandlik, Senior Counsel i/b Shri P.P. Mandlik,
Advocate for the appellants in FA No. 1078 of 2023.

Shri A.B. Chate, A.G.P. for respondent No.1.

Shri. S.S. Gangakhedkar, Advocate for the appellant in
First Appeal No. 1264 of 2023.

Shri Rajendra Deshmukh, Senior Counsel, a/w Jay Veer, i/b
Shri T.M. Venjane, assisted by Shri Vikrant Valse, Advocates
for respondent No.2 in both the appeals.

...

CORAM : **SANDIPKUMAR C. MORE, J.**

Judgment Reserved on : 28th March 2023

Judgment pronounced on : 2nd May 2023

Judgment:

1. Both these appeals are, in fact, preferred against one and the same judgment and order passed by the learned Joint Charity Commissioner, Aurangabad Region, Aurangabad (hereinafter referred to as the “learned Joint C.C.”) on 01.02.2023 in *suo moto* Enquiry bearing Application No.14/2021 initiated under Section 47 of the Maharashtra Public Trusts Act, 1950 (“the Act”, for short) in the matter of Shri Sansthan Devi Anusaya Math, Pimpri (Zola), Taluka Gangakhed, District Parbhani (hereinafter referred to as the “Trust” for brevity).

2. The appellants in First Appeal No. 1078 of 2023 are the persons who had applied for the post of Mahant / Mathadhipati of the said Trust, but could not succeed. The claim of these appellants is that the Joint C.C. had initiated *suo moto* proceeding under Section 47 of the Act in respect of the Trust for appointment of trustees and on 25.11.2022, a public notice to that effect was issued for inviting the applications from the interested persons. However, on 01.02.2023, under the impugned judgment and order, the Joint C.C., without giving notice to them and other applicants and also without giving any opportunity of being heard, appointed the present respondent No.2 Swami Surendragiri Maharaj, Lakhangaon as Mathadhipati of the Trust by violating the Scheme of the Trust and without following due process.

3. On the other hand, the appellant Chiranjiv Giri Guru Narendragiri in First Appeal No. 1254 of 2023 is claiming that he had applied to the learned Charity Commissioner for his appointment as Mathadhipati of the Trust being a disciple of the earlier Mahant and for appointment of two posts of the Trust which were vacant at the relevant time in the year 2021. Thereafter a report from

the office of concerned Assistant Charity Commissioner was called on 15.07.2021 and then the said matter was forwarded to further enquiry of the learned Joint C.C. However, the learned Joint C.C. then issued publication thereby inviting the applications from the interested persons for appointment as trustee and thereafter under the impugned judgment and order the learned Joint C.C. by transgressing its powers and by acting way beyond the original Scheme of the Trust, appointed respondent No.2 Surendragiri as Mathadhipati / Mahant of the Trust.

4. The learned Senior Counsel Shri Mandlik for the appellants in First Appeal No. 1078 of 2023 submits that the learned Joint C.C. while appointing respondent No.2, has clear-cut acted against the Scheme of the Trust and also against the principles laid down in Section 47 of the Act. It is the main allegation of these appellants that the learned Joint C.C. had in fact invited the applications for appointment of trustees, but no trustee was appointed and in the place of trustee, the learned Joint C.C. appointed respondent No.2 as Mathadhipati in contravention of the public notice dated 25.11.2022. He submits that under Section 47 of the Act there is provision for giving hearing to the parties interested

in the trusteeship and enquiry needs to be held, but no such procedure is followed by the learned Joint C.C. Moreover, the criteria laid down in the Scheme of the Trust itself is violated by the learned Joint C.C. since he appointed respondent No.2, who is the disciple of other Trust and has no concern with the present Trust. As such, he claimed that the appointment of respondent No.2 as Mathadhipati is not only contrary to the provisions of the Act, but it is also against the Scheme of the Trust which had been framed long back i.e. on 24.05.2010 by the Assistant Charity Commissioner, Parbhani Region, in Enquiry No. 889 of 2019 and Enquiry No. 1385 of 2008.

5. On the other hand, learned Counsel Mr. S.S. Gangakhedkar for the appellant in First Appeal No. 1265 of 2023 also opposed the impugned judgment and order by contending that Mahtadhipati is to be appointed only as per the Scheme of the Trust and not as per Section 47 of the Act. He pointed out that the learned Joint C.C. without any proper reasoning, has passed the impugned order. Nothing is there in the order that why the applications of other persons, who had applied for the post of Mathadhipati, were rejected. According to him, the date of interview and the date of

impugned order is one and the same and therefore, it is to be inferred that there was no application of mind by the learned Joint C.C. in appointing the respondent No.2 as Mahant. Moreover, while appointing respondent No.2 the disciple thread as contemplated in the Scheme itself is missing since respondent No.2 was nowhere concerned with the Trust and he was not the person having any Guru-Shishya Parampara in the present Trust. Both the learned Counsel for the appellants in these appeals have relied upon the following judgments :

- (i) *Dr. R.P. Kapoor & ors vs The Charity Commissioner, Maharashtra State and others, AIR 1989 Bombay 274.*
- (ii) *Gyandeo Tukaram Devre & ors vs Ganpat Nathu Devre and ors, 1004 (4) Bom.C.R. 172*
- (iii) *Chandrkant Jaydevshankar Thakar & ors vs Alka Sahani & ors, 2021 (3) AIR Bom R 774.*
- (iv) *President, Purohit Sangh vs Prabhakar Ramchandra Gokhale & ors, 2003 (5) Mh.L.J. 73)*
- (v) *Avinash Ganpatrao Shegaonkar & ors vs Jayawant @ Babasaheb Vishwanath Uttarwar, 2010 (4) Mh.L.J. 253*
- (vi) *Pankaj Yashwant Choudhari & ors vs Joint Charity Commissioner, Nashik, 2014 (4) Mh.L.J. 200)*

6. On the contrary, learned Senior Counsel Mr. Rajendra Deshmukh for respondent No.2 strongly opposed the submissions made on behalf of all the appellants on the ground that there was nothing wrong in the appointment of

respondent No.2 since it was done only as per the Scheme of the Trust. He pointed out that the appellants are challenging the appointment of respondent No.2 relying upon Section 47 of the Act, but it has to be borne in mind that under the impugned order, no trustee has been appointed, and therefore, Section 47 of the Act does not come in picture and for appointment of Mathadhipati the only provision or criterion made in the Scheme of the Trust is that he must be from Anandwar – Bhurewar sect. He pointed out that how the appellant of First Appeal No. 1264 of 2023 misappropriated the Trust property and even claimed succession certificate in his personal name regarding the Trust property. He pointed out that the advertisement dated 25.11.2022 was not for the appointment of trustees only, but it was for the appointment of Mathadhipati also since the said advertisement was based on the order dated 24.11.2022 wherein it is clearly mentioned by the learned Joint C.C. that the applications be called from willing persons for the appointment of Mathadhipati of the Trust. He, therefore, contended that all these appellants cannot challenge the impugned order by contending that the applications were called for appointment of trustees and the appointment of Mathadhipati was done since they all had participated in the

process of appointment of Mathadhipati and not for trustees. According to learned Senior Counsel for respondent No.2, conduction of interviews of the willing candidates was itself an opportunity of hearing and respondent No.2 was the only eligible person found for appointment of Mathadhipati since he had fulfilled Anandwar – Bhurewar Parampara.

7. By way of reply, the learned Counsel for the respective appellants pointed out that there was no objective assessment of the candidates who were called for appointment of Mathadhipati and respondent No.2, without having any interest in the Trust, was appointed. Learned Senior Counsel Shri Mandlik even made allegations against respondent No.2 by mentioning him as a business-man in land dealing, since he had purchased and sold various lands at Parbhani.

8. In the light of the above submissions, I have gone through the impugned judgment and order alongwith the entire record and proceedings of the appeals with assistance of the learned Counsel for the respective contesting parties.

9. The main objection raised by the appellants in First Appeal No. 1078 of 2023 is that the learned Joint C.C.

had in fact called applications for appointment of trustees under the public advertisement dated 25.11.2022, but contrary to that, appointed Mathadhipati. Admittedly, in the said public advertisement it is mentioned that the said advertisement was issued for appointment of trustees. However, there is a reference of the order dated 24.11.2022 passed by the learned Joint C.C. under Exh.1 of the *suo moto* Enquiry Application No. 14/2021. It has been mentioned in the said notice that as per the aforesaid order trustees were to be appointed for looking after the Management of the Trust. However, on perusal of the said order dated 24.11.2022, which forms part of the record and proceedings, it is clearly evident that the learned Joint C.C. had never given any direction for appointment of any trustee in the said order. On the contrary, the order dated 24.11.2022 according to which the public advertisement was given, clearly speaks about calling of the applications from the willing persons for appointment as Mathadhipati of the Trust. There is nowhere mention in the said order that any appointment of trustee was undertaken by the learned Joint C.C. under that order. As such, when there was no process started for appointment of trustees as per the order dated 24.11.2022 and it was only for appointment of Mathadhipati of the Trust, the objection

raised by the appellants is totally misconceived.

10. Even otherwise also, there was no occasion for the learned Joint C.C. to appoint trustee, since as per earlier order dated 16.05.2019, the then Joint C.C. Shri S.Y. Bhosle had already appointed five trustees namely Shri Baliram Tukaram Bhise, Shri Ramkisan Dhondiba Bhise, Shri Santram Bapurao Dugane, Vitthal Dattarao Bhise and Shri K.Y. Gore i.e. the earlier Administrator as trustees of the Trust for the period of further five years. It is also mentioned in the said order that one post of trustee and the post of Mathadhipati were kept vacant under the said order. Further, it is extremely important to note that the then Joint C.C. had directed the aforesaid appointed trustees to take search for eligible person to be appointed as Mathadhipati within the period of six months and to forward a proposal to that effect to the office of the Joint C.C. Aurangabad. It was even directed further that on failure of forwarding such proposal, the Office of Joint C.C. would initiate Trust under Section 47 of the Act suo moto for appointment of Mathdhipati. Further, it is also important to note that the aforesaid five trustees were already appointed under the said order dated 16.05.2019 for further period of five years which would expire on

15.05.2024. As such, the tenure of the aforesaid five trustees is still not completed. Thus, even though the public advertisement dated 25.11.2022 indicates the applications were called for appointment of trustees, but the order dated 24.11.2022 under which such process was undertaken, clearly indicates that it was not for appointment of trustee, but it was for appointment of Mathadhipati only.

11. Further, the participation of these appellants in the aforesaid process for appointment of Mathadhipati itself indicates that they were well aware that the process of appointment of Mathadhipati had undertaken and not for the appointment of trustees, since in the order dated 16.05.2019 itself it is clearly mentioned that five trustees who were appointed, were to look after the management of the Trust till the appointment of one trustee and Mathadhipati by them within six months stipulated period. It is to be noted here that the learned Joint C.C. in the impugned order itself has observed that though the aforesaid trustees did not forward a proposal for appointment of Mathadhipati within the stipulated period in view of the order dated 16.05.2019 in Enquiry No. 167/2018, he initiated process of appointment of Mathadhipati under order dated 24.11.2022. Further, the

Scheme of the Trust itself suggests that only the minimum number of trustees are to be appointed for looking after the management of the Trust and the remaining trustees would be appointed by Mathadhipati. Further, the appellant Chinranjiv Giri in First Appeal No. 1264 of 2023 himself had taken objection and prayed for his appointment as Mathadhipati and other two members as trustees. Therefore, he is barred from raising any objection that the advertisement was for trustees and the learned Joint C.C. appointed Mathadhipati contrary to the Scheme. As such, I find no force in the submissions of the learned Counsel for the appellants claiming that the learned Joint C.C. did not follow due procedure in appointment of respondent No.2 as Mathadhipati. Therefore, their consequential objection in respect of non compliance of Section 47 of the Act has no force.

12. So far as appointment of respondent No.2 as Mathadhipati of the Trust is concerned, the respective learned Counsel for the appellants vehemently argued that such appointment of respondent No.2 is contrary to the Scheme since respondent No.2 does not have any concern with the Math or present Trust. His disciple thread is also

missing, since he is related to other Trust. On this aspect, the learned Counsel for the appellants relied upon the order of Assistant Charity Commissioner, Parbhani Region, Parbhani dated 24.05.2010 in two enquiries bearing Enquiry No. 889 of 2019 and Enquiry No. 1385 of 2008 under which the Scheme at Annexure-A was framed. On perusal of the said order, it appears that there were two groups in the said Trust and both of them had filed their respective enquiry applications for framing of Scheme since no Rules or Regulations nor any Scheme for day-to-day management of the said Trust were there. It is significant to note that the respective draft Schemes filed by those two groups were partly allowed and a separate Scheme as per Annexure 'A' was framed by learned Assistant Charity Commissioner, Parbhani. Learned Counsel for the appellants though raised the aforesaid objection, but on perusal of the said Scheme there are certain criteria mentioned for the appointment of trustee and Mathadhipati. Learned Senior Counsel Shri Mandlik strongly pointed out that Mathadhipati must be a trustee of the Trust first for whom there is specific criteria given in Clause-9 of the Scheme, which reads as under in Marathi :

“विश्वस्तांची पात्रता :- २१ वर्षावरील कोणत्याही भारतीय व्यक्ती सदरहू देवाला माननारा व चारित्रवान, धार्मिक आणि मठाचा भक्त, शिष्य असावा”

13. On plain reading of the aforesaid clause, it appears that the trustee, who is to be appointed, must be a devotee of and disciple of the Trust. Learned Senior Counsel Mr. Mandlik therefore pointed out that since respondent No.2 is nowhere concerned with the Math and he is also not from “Guru-Shishya” Parampara, he cannot be appointed as Mathadhipati. He pointed out that the Assistant Charity Commissioner, in the order dated 24.05.2010, had observed that the mode of succession to the office of trusteeship was shown as “Shishya” Parampara and the appointment of Shisya was as per Anandwar – Bhurewar Parampara. Thus, he submitted that respondent No.2 cannot be appointed as Mathadhipati since he is not Shishya i.e. disciple of the Math. However, though it is submitted by the learned Senior Counsel Shri Mandlik that Mathadhipati must be a trustee first, but on perusal of the Scheme itself, nothing is mentioned to that effect. Only criterion for appointment of Mathadhipati which is reflected from the Scheme, is that he is to be appointed as per Anandwar – Bhurewar procedure. It is specifically mentioned in Clause-11 of the Scheme as follows in Marathi.

“ विश्वस्त बदलण्याची पध्दत :— मठाधिपती हे कायम पदसिध्द अध्यक्ष असतील. मठाधिपतीचे पद रिक्त झाल्यानंतर पुढील मठाधिपतीची निवड आनंदवार भुरेवार पध्दतीने केली जाईल. इतर विश्वस्तांचा कार्यकाळ

पाच वर्षांचा राहिल. दर पाच वर्षांनी सदर विश्वस्त व्यवस्थेची अनुयायांमधून मठाधिपती इतर विश्वस्तांची निवड करतील. इतर कोणत्याही कारणाने विश्वस्तांची एखादी जागा रिक्त झाल्यास ती जागा मठाधिपती व इतर विश्वस्तांच्या संमीतीने भरून काढतील”.

14. Further, under clause-14 it is observed as follows
in Marathi :

“पदाधिका—यांची निवड :- न्यासाच्या विश्वस्तामधूनच आवश्यकतेनुसार पदाधिका—यांची निवड बहुमताने करण्यात येईल. न्यासाचे पदाधिकारी पुढीलप्रमाणे राहतील. महंताची निवड आनंदवार भुरेवार पध्दतीने केली जाईल. अध्यक्ष, उपाध्यक्ष, सचिव, सहसचिव, कोषाध्यक्ष व अन्य विश्वस्त म्हणून राहतील”.

15. On conjoint reading of both these clauses, it appears that the office bearers are to be appointed only from the trustees of the Trust and powers and duties of the office bearers are mentioned in Clause-13, which reads in Marathi as under :

“विश्वस्त मंडळातील पदाधिका—यांचे व उद्देशपूर्तीसाठी व्यवस्थापनावर नियंत्रण ठेवणे. सर्वसाधारण सभेचे व विश्वस्त मंडळाच्या सभेचे अध्यक्षस्थान स्विकारणे आणि आवश्यक तेव्हा सभा बोलावणे.
उपाध्यक्ष :- अध्यक्षाच्या गैरहजेरीत त्याचे कामे पहाणे.
सचिव :- विश्वस्त व्यवस्थेचा पत्रव्यवहार करणे, सभेचे प्रोसिडींग बुक लिहीणे,
अध्यक्षाचे लेखी सुचनेनुसार सभेची नोटीस काढणे व सभा बोलावणे.
विश्वस्त व्यवस्थेला सभेतील मंजूर झालेल्या ठरावाची अंमलबजावणी करणे व विश्वस्त व्यवस्थेचा कारभार पहाणे.
सहसचिव :- सचिवाचे गैरहजेरीत सचिवाचे कार्य करणे अन्यथा न्यासाचे कार्यात मदत करणे.
कोषाध्यक्ष :- आर्थिक परितस्थितीवर नियंत्रण ठेवणे, हिशोब लिहीणे.
विश्वस्त :- न्यासाच्या कार्यालत मदत करणे, सभेला हजर राहणे.
न्यासाच्या विकासामध्ये प्रयत्नशील राहणे”.

16. It is extremely important to note that in Clause-14 it has been reiterated that Mahant or Mathadhipati is to be

appointed only as per the procedure followed in Anandwar – Bhurewar sect. Thus, it appears from the Scheme itself that there are different procedures for appointment of trustee and Mathadhipati under the Scheme and it is nowhere mentioned that Mathadhipati of the Trust must be a trustee first of that Math. Though there is ambiguity on this aspect, but even presuming that Mathadhipati must be a trustee first, then also it is mandatory for a person to be appointed as Mathadhipati, to show that he must belong to Anandwar – Bhurewar sect. As such, the Scheme itself indicates that the person who is the follower of Anandwar-Bhurewar sect can only be appointed as Mathadhipati. However, for appointment of trustee there is no such specific qualification being from Anandwar-Bhurewar sect mentioned in the Scheme. It is significant to note that the impugned order is not in respect of the appointment of trustees, but it is only for appointment of Mathadhipati. Therefore, keeping aside the objection raised by the learned Senior Counsel Shri Mandlik for the appellants, it has to be seen as to who among the appellants and respondent No.2 fulfills the only aforesaid criterion for appointment of Mathadhipati.

17. The only criterion as per the Scheme for appointment of Mathadhipati is that the person to be

appointed as Mathadhipati must be appointed as per the procedure of Anandwar – Bhurewar sect. Learned Senior Counsel Shri Mandlik as well as learned Counsel Shri Gangakhedkar for the appellants submit that the earlier Joint C.C. Shri. S.Y. Bhosle in his order dated 16.05.2019 has observed that Mathadhipati needs to be appointed as per Anandwar – Bhurewar procedure, but for knowing what is such procedure, Expert person from that field needs to be consulted. Thus, the learned Counsel for the appellants submit that unless it is known what is Bhurewar procedure, no person can be appointed as Mathadhipati and unless there is advice of an Expert person in that field. However, learned Senior Counsel Shri Mandlik himself produced on record copy of relevant portion in the book known as “Acharya Shankar” wherein the details of Dashnam Gosawi and their respective sects are given. On perusal of the same, we find information regarding Anandwar – Bhurewar sect.

18. It has been mentioned in the said book that Adya Shankaracharya from Hindu religion to propagate Dashnam Gosawi and their sect, established Pithas at four directions of India. Out of them there is Vimlapeeth at Jagannathpuri in Odissa towards east and all the Mathas under the said Peeth are called “Gowardhan Math”. The followers of said Mathas

are known as “Bhogwar” sect, who are Sanyasi. Likewise, there is Kalika Peeth at Dwarka towards west and the Mathas come under the said Peeth are known as “Sharda Math”. The followers of these Mathas belong to Kitwar sect. We are least concerned with the aforesaid setcs known as Bhogwar and Kitwar since in the present matter the Mathadhipati is to be appointed from Anandwar – Bhurewar sect. It is mentioned further in the said book that in the north at Badrinath there is establishment of Purnagiri Peeth and the Mathas coming under this Peeth are known as “Jyotirmath”. The followers of this Math belongs to Anandwar sect who have renounced the world by relinquishing all the luxuries. These persons are blessed with the designations such as Giri, Parwat and Sagar. The last sect is Bhurewar sect which is found towards south under Sharda Peeth at Shrangeri. The followers of this Bhurewar sect are blessed with the designations like Bharti, Puri and Saraswati. These followers have also relinquished all the wealth and luxuries. They are also Sanyasi. Nobody from the parties have disputed this information. Thus, it can be seen that Mathadhipati can be appointed from Anandwar or Bhurewar sect as per the Scheme and the present respondent No.2 has claimed himself belonging to Anandwar sect.

19. For the purpose of establishing the fact that he belongs to Anandwar sect, respondent No.2 had produced history of Taponidhi Shree Panchayati Akhada Anand Dashnam Nanga Sanyasi, Waranasi wherein it is mentioned that the said Anand Akhada has appointed the present respondent No.2 as "Mahamandaleshwar Shri 1008". Further, it is important to note that the learned Senior Counsel Shri Deshmukh for respondent No.2 has also produced on record certified copy of affidavit of one Mahant Ganeshnand Saraswati which was produced before the learned Joint C.C. in Application No. 13/2022 wherein it is mentioned that respondent No.2 belongs to Anandwar sect. Even the information in the aforesaid book in respect of awarding the designations as Giri, Parwat and Sagar to the followers of Anandwar sect indicates that respondent No.2 belongs to Anandwar sect which is pre-condition for to be appointed as Mathadhipati of the present Trust. The applications received from 48 persons in the record and proceedings clearly indicate that except respondent No.2 no other applicants, who had applied for the post of Mathadhipati, had produced documents showing them as followers of either Anandwar or Bhurewar sect. Therefore, the learned Joint C.C. must have appointed respondent No.2 being the only person belonging to

Anandwar or Bhurewar sect.

20. The respective learned Counsel for the appellants also made allegations against respondent No.2 that he is a business-man dealing in immovable properties. For that purpose they relied upon the sale deeds which are produced on record by respondent No.2. Admittedly, from those sale deeds it reflects that respondent No.2 has sold certain properties at Beed. However, the properties which the respondent No.2 has sold are his personal properties and the same are sold long back i.e. in the year 2015. Merely because respondent No.2 sold his personal properties, it does not disentitle him for the post of Mathadhipati. In fact, for following the Anandwar sect in the true sense, one has to renounce his luxuries, wealth and properties. As such, the act of selling properties by respondent No.2 cannot be looked as doubtful circumstance. It only strengthens his devotion towards Anandwar sect.

21. So far as the appellant First Appeal No. 1264 of 2023 is concerned, he is also claiming himself fit person to be appointed as Mathadhipati. However, the record shows that there were serious allegations against him and considering the same the earlier learned Joint C.C. Shri S.Y. Bhosle in

order dated 16.05.2019, had already observed him not fit for the said appointment. In the said order it has been specifically mentioned that he was only allowed to offer Pooja for Math, but thereafter it was found that he collected donations in the name of Trust by issuing receipts to the tune of Rs. 3,00,000/-, but did not deposit the same in the account of the Trust. Therefore, the Administrator Shri Gore had seized those 36 receipt books from Chiranjivgiri and thereafter on 04.04.2019 the permission for offering Pooja in the temple given to Chiranjivgiri was cancelled. Even at the time of relevant interview Chiranjivgiri had told that he had collected donations of Rs. 2,48,700/-, but deposited the same in the account of Trust belatedly. Moreover, the learned Senior Counsel Shri Deshmukh for respondent No.2 also produced certain documents on record mentioning that the appellant Chiranjivgiri even had tried to obtain succession certificate in his personal name regarding the property of Trust. Thus, the then Joint C.C. in the order dated 16.05.2019 itself had clarified that the appellant Chiranjivgiri was not a fit person to be appointed as trustee. Once it is observed that Chiranjivgiri is not a fit person to be appointed as trustee, then he is also not fit person for his appointment as Mathadhipati in view of his earlier conduct as mentioned

above.

22. Thus, considering all the above aspects, it appears that the learned Joint C.C., by considering the Scheme and documents on record, has rightly appointed respondent No.2 as Mathadhipati of the Trust in consonance with the Scheme of the Trust. Moreover, on perusal of the impugned judgment, it is clearly evident that respondent No.2 was the only person who fulfilled all the criteria for his appointment as Mathadhipati and his appointment is also supported by the documents and proper reasoning. It is extremely important to note that the appellants or other candidates who had applied for the post of Mathadhipati could not establish the fact that they belong to Anandwar or Bhurewar sect. Therefore, I do not find any reason to interfere with the impugned judgment and order of the learned Joint C.C. Thus, I find no substance in both these appeals which are accordingly dismissed. Pending Civil Applications also stand disposed of.

(SANDIPKUMAR C. MORE, J.)