

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.408 of 2012

IN

Civil Writ Jurisdiction Case No. 18568 of 2010

=====

Bihar State Board of Religious Trust Patna Vidyapati Marg, P.S. Kotwali and District Patna through its President Sri Kishore Kunal, Vidyapati Marg, P.S.-Kotwali and District- Patna.

.... Petitioner.

Versus

Sagar Muni Disciple of Late Narayan Das, resident of

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ganpati Trivedi, Sr. Advocate

For the Respondent/s : Mr. Kumar Vikram, AC to GA11

=====

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 12-08-2015

In spite of valid service, none appeared on behalf of private respondents.

2. The Bihar State Board of Religious Trust, Patna (hereinafter referred to as 'the Religious Trust') seeks review of order dated 18.06.2012 passed in C.W.J.C. No. 18568 of 2010.

3. The case in short is that one Sagar Muni filed an Eviction Suit bearing Eviction Suit no. 3 of 2007 against the sole defendant Rameshwar Prasad. The Board filed a petition for impleadment as a party. It relied upon Section 50 of the Religious Trust Act, 1950 for the purpose, which is quoted herein below for easy reference:

“50. Notice of certain suits to be given to Board

and addition of Board as party thereto-

(1) In every suit or proceeding (except in suits instituted by a trustee for the recovery of arrears of rent and proceedings in execution of decrees passed in such suits) in respect of any religious trust or property belonging to such trust, whether instituted by a trustee or by any other person, the court shall issue a notice of the institution thereof to the Board.

(2) The Board may apply to the Court in which the suit or proceeding referred to in sub-section (1) is pending to be added, and shall thereupon be added as a party thereto, and shall be entitled to conduct such suit or proceeding, if instituted by the trustee, or to defend such suit or proceeding, if instituted by any other person against the trustee.

(3) If the notice required by sub-section (1) to be issued to the Board in respect of any suit or proceeding is not issued, the decree or order passed in such suit or proceeding shall be voidable at the instance of the Board”.

4. Learned counsel submits that this Court, while dismissing the petition for impleadment of the Board, only considered Section 50(2) of the Act.

5. He submits that this Court only referred to Section 50(1) of the Act but did not consider the provision in its entirety.

Furthermore, the property indisputably is registered as a property of the Board and as such notice was necessary under Section 50(1) of the Act.

6. I would agree with the submission of the Board that as the property was registered in the name of the Board, it required notice under Section 50(1) of the Act, as such I recall the earlier order dated 18.06.2012 passed in C.W.J.C. No. 18568 of 2010 and direct the trial court to implead the Board as a necessary party.

7. This application stands allowed.

(Samarendra Pratap Singh, J.)

Uday/-

U			
---	--	--	--