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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) 513/2012 & CM No. 31120/2015 & Rev Pet. 603/2015**
SWAMI GURUDEV MUNI CHELA SANT SEWA DASS JI

..... Appellant

Through: Ms. Sakdhi Kakkar, Advocate
alongwith Mr. C.D. Singh, Advocate.

versus

STATE & ANR Respondents

Through: Mr. Peyoosh Kalra, ASC GNCT
alongwith Mr. Sudhindra Tripathi,
Advocate for R-1.

And

FAO(OS) 26/2013 & CM No. 31097/2015 & Rev Pet. 601/2015

SWAMI GURUDEV MUNI Appellant

Through: Ms. Sakdhi Kakkar, Advocate
alongwith Mr. C.D. Singh, Advocate.

versus

STATE & ANR Respondents

Through: Mr. Peyoosh Kalra, ASC GNCT
alongwith Mr. Sudhindra Tripathi,
Advocate for R-1.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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18.12.2015

The present review petitions seek recall of a judgment of the

Court dated 30.09.2015, disposing of FAO Nos. 513/2012 and 26/2013. The Court had upheld the decision of the learned Single Judge, recognising and giving effect to the Will (last testimony of one Amar Muniji).

It is urged that the Court's observations that there was objective material to establish that the testator had discontinued his association with his original order i.e. Udasin is erroneous. In support of this, learned counsel relies upon the testimony of two witnesses i.e. Swami Om Prakash Ji and Swami Naarendra Das Ji-both of who have expressly stated that the testator had been taken into the Udasin's fold and continued to profess it. Particularly, the testimony of Om Prakash has been relied upon-he mentioned in the cross-examination that he had visited Amar Muniji at Dehradun where the Ram Tirath Mission is located. It was also submitted that the testimony of the propounder Kishan Das itself underlines that Swami Amar Muniji belongs to the Udasin Sect. This Court has considered the submissions. The judgment has not only analysed but even extracted the depositions of certain witnesses. That the Court recognised Amar Muniji's initiation to the Udasin Sect is beyond doubt; it is part of the narrative itself. However, after he embraced the Ram Tirath Mission and became its President or Head, the issue was whether his Udasin belief, conformed to that of the new mission or sect that he joined or associated himself with. On this, the Court was of the opinion that there was no objective material to establish or prove that the testator continued with his Udasin belief. It was on this finding that the probate granted by the learned Single Judge in the impugned order was upheld. Having gone

through the submissions and considered the materials emphasised during the course of the hearing, this Court does not discern any error apparent on the face of the record or otherwise calling for the review of the judgment. The review petitions are accordingly dismissed.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

DECEMBER 18, 2015

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