

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

C.R.P. No.3656 of 2017

ORDER:

Aggrieved by the order dated 31.12.2016 in I.A.No.1607 of 2016 in O.S.No.118 of 2013 passed by the III Additional Junior Civil Judge, Kadapa, the petitioners/proposed D3 and D4 filed the instant Civil Revision Petition.

2) The trial Court dismissed their application filed under Order I Rule 10 CPC to implead them as defendants 3 and 4.

3) Heard arguments of Sri V.R.Reddy Kovvuri, learned counsel for petitioners and Sri G.Ramachandra Reddy, learned counsel for R1. Notice sent to R2 and R3 not yet returned.

4) As can be seen from the plaint averments, the plaintiff sought for a declaration that he is the sole Sajjada Nashin of the suit schedule property i.e. Asthana-E-Muradia and he is not claiming any declaration of right or title over suit schedule property.

5) In *Ikramul Haq Shah vs. The Board of Rajasthan Muslim Waqfs and others*¹ a Division Bench of High Court of Rajasthan happened to discuss the status and also the distinction between Sajjadanashin and Mutawalli. They observed that Sajjada Nashin of a Khankah was a central figure in the institution having powers both of Mutawalli and Sajjada Nashin. The mode of succession to the Khankah is concerned, after the death of the last incumbent, the

¹ AIR 1973 Rajasthan 57 (DB)

spiritual line extends to the number of Sajjada Nashins, who are generally members of his family chosen by him and according to the direction given by him and failing which, are chosen by his followers and murids. It was observed, his position was just analogous to that of a Mahant of a Hindu Math who exercises both religious and secular powers of management over the institution. The difference between a Mutawalli and a Sajjadanashin is that the former is a secular officer whereas the latter is a spiritual teacher.

6) Thus, the plaintiff only claims a declaration that he is the sole Sajjada Nashin of the suit schedule property i.e. Asthana-E-Muradia and he is not claiming any declaration of right or title over suit schedule property, whereas the petitioners claim themselves as the cousin brothers of plaintiff and having equal right over suit schedule property.

7) In that view of the matter, the trial Court rightly observed the subject matter in the suit being not for immovable property, the petitioners who claim equal right over suit schedule property, have to file a separate suit to vindicate their rights but they cannot seek for impleadment in the present suit.

8) I find no perversity in the order impugned. Accordingly, the CRP is dismissed. No costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 05.10.2017
Murthy