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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.16870 OF 2022
WITH
INTERIM APPLICATION NO.2147 OF 2022
IN
SECOND APPEAL NO.24 OF 2017**

Adinath Sampat Chikhalkar & Ors. ... Applicants
V/s.
Chandrakant Dnyanu Shinge & Ors. ... Respondents

Mr. S.S. Patwardhan with Mr. Bhooshan Mandlik with Ms.Shelar for the Applicants.

Mr. Surel S. Shah for Respondent Nos.1 to 6.

**CORAM : S. M. MODAK, J.
DATED : 1ST AUGUST 2022.**

PC:-

1. Urgent circulation of this Application is sought on behalf of the Applicants, hence it is kept on production board.
2. I heard both learned Advocates. Through their assistance I have gone through findings of the trial Court. The trial Court has dismissed the suit whereas it is reversed by the First Appellate Court. The present Respondents were held entitled to right of worship as observed by the First Appellate Court. In nutshell the present Appellants were denied that right of worship.
3. My attention is invited to copy of arrangement made by the Committee of the Devasthan. Relevant page is page 11. Respondents have been given right of worship for period starting from 1st August 2022. For all these reasons the Appellants are praying for staying implementation of the decree by the First Appellate Court and also

seeking an order of injunction restraining the Respondents from interfering with the right of worship of the Appellant. It is opposed strongly on behalf of the Respondents. It is for the reason that even though the decree was passed by the First Appellate Court in the year 2014, no Application for stay has been made earlier and also for that reason why prayer clause (b) is not sought earlier.

4. Learned Advocate for the Appellants/Applicants submitted that after 2014, the turn of Respondents have come for the first time whereas according to the Respondents, they have exercised right of worship for the year 2016. It is not disputed. This Court does not feel that urgent reliefs can be granted today because period of worship as decided by the Committee has already started. It is also for the reason that earlier the prayer for injuncting the Respondents from offering worship was not made.

5. On query made to the Respondents, on instruction it is submitted by learned advocate for the respondents that they are keeping accounts of offerings by the devotees to God Kedarlinga. At the most if insisted by the Appellants, the Respondents can be directed to produce those accounts in the Court. For the period decided by the Committee the Respondents to maintain the accounts punctually and vigorously.

6. These observations are made on the basis of limited hearing conducted today.

7. The Appellant is at liberty to ask for interim relief in terms of prayer clause (a) if the facts and circumstances so warrant and if it is made it will be decided on merits.

8. In view of that Application is disposed of.

(S. M. MODAK, J.)