

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**MONDAY, THE NINETEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE A.VENKATESHWARA REDDY

CIVIL REVISION PETITION NO: 2897 OF 2022

Petition Under Article 227 of the Constitution of India against the order dated 28-10-2022 in I.A.No. 8 of 2021 in O.A.No. 3004 of 2010 on the file of the Telangana Endowments Tribunal at Hyderabad.

Between:

1. Venugopal Inani, S/o Late Ram Prasad Inani, adopted by Late Shri Mohanlal Inani, Age 85 years, Occ. Business R/o D.No 15-9-56, Maharajgunj, Hyderabad -500 012.
2. Gangabhishan Bajaj, (died and abated)
3. Ramesh Chandra Jhanwar, S/o Late Suresh Chandra Jhanwar, aged 40 Yrs., R/o D.No 15-9-48, Maharajgunj, Hyderabad -500 012

...PETITIONERS/ Respondents 1 o 3

AND

1. Smt. Chandrabhaga Bai, (Died) Abated
2. The Asst. Commissioner of Endowments, Endowments Department, Tilak Road, Boggulakunta, Hyderabad.
3. Satyanarayana Sharma (Died),
4. Purushottam Das, Claiming himself as Member Founder Family, Sri Raghunathji Temple, Maharajgunj, Hyderabad
5. The Telangana Endowments Tribunal, Kachiguda, Hyderabad

...RESPONDENTS

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in I.A. No. 8 of 2021 in O.A.No. 3004 of 2010 on the file of the Court of the Telangana Endowments Tribunal, at Hyderabad, pending disposal of the Civil Revision Petition

Counsel for the Petitioner: SRI. V V RAGHAVAN

Counsel for the Respondent No.4 : SRI VENKATESH DESHPANDE

Counsel for the Respondent No. 2 & 5 : GP FOR ARBITRATION

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE A.VENKATESHWARA REDDY
CIVIL REVISION PETITION No.2897 of 2022

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India by the petitioners/ respondent Nos.1 and 3 assailing the legality and validity of the order dated 28.10.2022 in I.A.No.8 of 2021 in O.A.No.3004 of 2010 before the Telangana Endowments Tribunal at Hyderabad (for short 'the Tribunal').

2. This interlocutory application in I.A.No.8 of 2021 was filed by the proposed party under Order1, Rule 10 read with Section 151 of Civil Procedure Code (for short 'CPC') and under Rule 28 of Civil Rules of Practice for his impleadment as respondent No.4 in O.A.No.3004 of 2010 and to carry out appropriate amendments. The Tribunal, after elaborate discussion with reference to earlier litigation and the status of proposed party being the son of late Chandrabhaga Bai, who is the 1st respondent in O.A.No.3004 of 2021, has allowed the said application and the proposed party was impleaded as respondent No.4 as prayed for in O.A.No.3004 of 2010.

3. Feeling aggrieved by the said order, the revision petitioners, who are the applicant Nos.1 and 3 in O.A.No.3004 of 2010 have filed this civil revision petition.

4. Heard learned counsel for the petitioners and the proposed party/4th respondent. The submissions made on either side have received due consideration of this Court.

5. The admitted or undisputed facts of the case are that the proposed party respondent No.4 is the son of late Chandrabhaga Bai, who is shown as respondent No.1 in O.A.No.3004 of 2010. It is also apparent from the record that the Assistant Commissioner, Endowments as per the orders dated 22.04.1998 recognized late Chandrabhaga Bai as member of founder-family along with others, though the said order has been set aside by the Commissioner, Endowments, as per proceedings dated 27.09.2003 in terms of the orders in W.P.No.22653 of 2003, she was permitted to continue as member of founder family till the matter was decided by the Deputy Commissioner Endowments and till date the Deputy Commissioner, Endowments has not adjudicated the matter, in the meanwhile, late Chandrabhaga Bai the 1st respondent

passed away during pendency of this O.A.No.3004 of 2010. The proposed party, who was impleaded through the order impugned as respondent No.4 is the son of late Chandrabhaga Bai.

6. Learned counsel for the revision petitioners contends that late Chandrabhaga Bai obtained illegal order from the Assistant Commissioner Endowments on 22.04.1998 and the Assistant Commissioner is not competent for passing such order, she was only claiming Poojariship and Mutawalliship, never claimed trusteeship of the said temple and this Court in W.P.No.22653 of 2003, filed by her, while setting aside the observations of the Commissioner Endowments directed the Deputy Commissioner to decide the matter within four weeks and till such time the parties were directed to maintain *status quo* and that late Chandrabhaga Bai was not recognized as founder-family member, the Tribunal has erroneously arrived at a conclusion that the proposed party being the son of late Chandrabhaga Bai is entitled for impleadment as one of the respondents and the order impugned is liable to be set aside.

7. Per contra, learned counsel for the proposed party/ respondent No.4 would submit that late Chandrabhaga Bai was one of the founder-family members of the temple and her children have got a right and interest in the said temple and that if he is not impleaded great prejudice would cause to the proposed party. It is also submitted by learned counsel for the proposed party respondent No.4 that earlier O.A.No.97 of 2008 was filed by the revision petitioners seeking declaration as member founder family of the temple, it was dismissed on 14.10.2008, the another O.A.86 of 2017 filed by the revision petitioners seeking to set aside the entries in Column No.4 of Section 43 Register and it was dismissed as not pressed on 06.03.2019. The revision petitioners through their associates got filed O.A.No.2932 of 2010 and it was also dismissed and that the revision petitioners are trying to grab the property of the temple. The proposed party being the son of late Chandrabhaga Bai the respondent No.1 in O.A.No.3004 of 2010 is entitled to be impleaded to protect his interest.

8. Be it stated that as per paragraph No.13 of the order impugned, the proposed party has filed voluminous documents and on perusal of the said documents, the

Tribunal has opined that there is a serious dispute between the proposed party and the revision petitioners pertaining to membership of founder family of Raghunathji Temple and all those documents would *prima-facie* establish that the proposed party has got a semblance of right and interest along with his deceased mother.

9. Therefore, having regard to the submissions made on both sides and on perusal of the material available on record, considering the undisputed fact that the proposed party is the son of late Chandrabhaga Bai, who is shown as 1st respondent in O.A.No.3004 of 2010 and was recognized as member founder family along with others and continued in such capacity till her death pursuant to the orders in WP No.22653 of 2003, as the Deputy Commissioner failed to conduct and conclude the enquiry during her lifetime, *prima-facie* the proposed party has semblance of right and interest in the subject temple, he is a necessary party to be impleaded as a legal representative of late Chandrabhaga Bai. As the revision petitioners have not taken any such steps to bring the legal representatives of deceased Chandrabhaga Bai the proposed party himself has filed the application under

Order 1, Rule 10 of CPC for his impleadment as respondent No.4 in O.A.No.3004 of 2010. The Tribunal opined that the presence of the proposed party is felt essential to effectively and completely adjudicate the issue involved in the said O.A. and he is a proper and necessary party to be impleaded, as such rightly allowed the application impleading him as respondent No.4. I do not find any irregularity or infirmity in the order impugned and it does not warrant any interference by this Court in exercise of the powers under Article 227 of the Constitution of India.

10. In the result, this civil revision petition is dismissed confirming the order dated 28.10.2022 in I.A.No.8 of 2021 in O.A.No.3004 of 2010 before the Telangana Endowments Tribunal at Hyderabad.

In the circumstances of the case, there shall be no order as to the costs. As a sequel, miscellaneous applications if any pending, shall stands closed.

//TRUE COPY//

SD/- I. NAGA LAKSHMI,
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Telangana Endowments Tribunal at Hyderabad.
2. The Asst. Commissioner of Endowments, Endowments Department, Tilak Road, Boggulakunta, Hyderabad.
3. One CC to SRI. V V RAGHAVAN Advocate [OPUC]
4. One CC to SRI.VENKATESH DESHPANDE, Advocate [OPUC]
5. Two CCS to G.P. for Arbitration, High Court for the State of Telangana at Hyderabad.
6. Two CD Copies

Pml.

HIGH COURT

AVRJ

DATED:19/12/2022



ORDER

CRP.No.2897 of 2022

DISMISSING THE CRP WITHOUT COSTS

⑨ pma,
7/1/23,