

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13611 OF 2022

Dattatraya Digambar Swami.

...Petitioner.

Versus

Suresh Revansiddha Ghongade
and Others.

..Respondents.

Mr. A. B. Tajane i/b Ms. Kavita P. Shinde for the petitioner.

Mr. S. S. Patwardhan i/b Ms. Mrinal A. Shelar for the respondent.

Coram : Sharmila U. Deshmukh, J.

Date : July 6, 2023.

P. C. :

1. The challenge in the petition is to the order passed in Regular Civil Suit No.203 of 2018 below Exhibit-5 rejecting the petitioner's application for injunction restraining the defendants from obstructing the petitioner in exercising his rights as a priest in the temple from 7th November 2018 till July 2019, and to the order of dismissal passed by the appellate Court, and the order dated 2nd September 2022 rejecting the petitioner's application filed under section 151 of the CPC seeking adjustment of the term / rotation as priest in the temple.

2. The petition can be disposed of in view of the consensus

which has been arrived at between the parties that the parties would prosecute the Regular Civil Suit No.203 of 2018 pending before the Civil Court.

3. Learned counsel appearing for the petitioner points out the orders of this court dated 6th February, 2023 and 1st March, 2023 and submits that upon direction by this Court, the brass bell which was the reason for termination of the services of petitioner as priest has been returned. He further submits that the return of brass bell should not be construed as acceptance of the claim made by trust.

4. Writ petition is disposed of keeping open all rights and contentions of the parties.

5. Considering that the subject matter of *lis* is the right of petitioner as a priest of temple, which right is said to accrue to the benefit of petitioner if he succeeds in suit, the trial court is requested to decide the suit [RCS No.203 of 2018] expeditiously. Learned counsel appearing for the respective parties assure that necessary co-operation will be extended to the trial Court so that the suit can be decided expeditiously.

6. Learned counsel appearing for the petitioner submits that the

application for adjustment of period was not considered by the trial Court, which forms part of the subject matter of present petition. Liberty to the petitioner to make an application for amendment of plaint seeking adjustment of period or compensation thereof, which application to be decided by the trial court on its own merits.

[Sharmila U. Deshmukh, J.]