

IN THE HIGH COURT AT CALCUTTA

CIVIL APPELLATE JURISDICTION

APPELLATE SIDE

Present:-

HON'BLE JUSTICE CHAITALI CHATTERJEE DAS

CO 1411 OF 2014

ACARYA VISHVADEVANANDA AVADHUTA

VS

ANANDA MARGA PRACHARAKA SAMGHA & ORS

For the Petitioner : Mr. Piush Chaturvedi, Adv.
Mr. Anujit Mookherji, Adv.
Mr. Prithish Chandra, Adv.

For the Opposite Parties: Mr. Manju Agarwal, Adv.
Mr. Kaustav Ch. Das, Adv.
Mr. Anju Manot

Last Heard on : 17.06.2025

Judgement on : 04.07.2025

CHAITALI CHATTERJEE DAS, J:-

1. This revisional application is directed against an order dated 21st February, 2014, passed by the Learned Additional District and Session Judge, Purulia, in Misc. appeal no. 32 of 2012 arising out of an order dated 19th Decenmber, 2012 passed by the Learned Civil Judge Senior Division, Additional Court Purulia in title suit no 305 of 2003 whereby the application filed by the petitioner under Section 151 of the code of civil procedure, 1908 is rejected.

- 2.** The opposite Party Nos 2 to 4 filed a Title suit 305 of 2003 praying inter alia a decree for declaration that the 15 members including the Opposite Parties no. 2 to 4 listed in Annexure II to the plaint are the elected office bearers and members of Governing Body of Ananda Marge Pracaraka Samgha in the year 2003-2004, a decree of declaration that the original defendant no 1 and 3 have no right and competence to withhold the charge of the office of Ananda Marge Pracaraka Samgha and the said original defendant no. 1 and 2 are not the office bearers of the Governing body and thus have no right and interest to act as the President and General Secretary of the Governing Body.
- 3.** An application under Order 39 Rule 1 and 2 read with Section 151 of the Code of Civil Procedure was moved by the plaintiff/Opposite Party no. 2 to 4, in the said suit alleging that the defendants/petitioners are conducting administration of the plaintiff in a most arbitrary /illegal manner and the plaintiff/ Opposite Parties have constituted a Governing Body of 15 members in the Special General Meeting and accordingly prayed for order of injunction restraining the original defendants from functioning as President and General Secretary of the plaintiff/ Opposite Party no 1.
- 4.** By an order dated 18th March,2006 the said application was rejected by the Learned Civil Judge Senior Division, Additional Court , Purulia followed by a Misc. appeal filed by the plaintiff Opposite Party no. 2 to 4 being Misc. appeal no 6 of 2006 which was disposed of by the Learned Additional District Judge ,2nd Court Purulia on 19th July, 2006 with an observation that the existing Governing Body should not be inducted otherwise the

whole administration ,law and order will be paralyzed and the interest of all members and their noble object would be frustrated .

5. One of the original defendant challenged the said Order dated 19th July, 2006 by way of filing a civil revision being CO no 3721 of 2006 before the High Court at Calcutta and by an order dated 25th September,2006 the operation of the said order to the extent it directed induction of 5 members nominated by the plaintiff ,was stayed by the Hon'ble Court and subsequently by order dated 4th February,2011 the said revisional application was allowed by co-ordinate bench of this Court by directing the parties to maintain status-quo with regard to the suit property .
6. A Title suit was filed being No. 359 of 2003 by some of the expelled members including these opposite parties no. 2 to 4 seeking an order of temporary injunction restraining the then office bearers including the predecessor of the petitioner herein from giving any effect or further effect to the order of expulsion but the same was rejected by the learned trial court on 14th June 2005 and on appeal the learned court passed the order of status-quo in respect of the religious organization as on that date till the disposal of the suit. Later on after demise of petitioner's predecessor Purodha Pramukha namely Achariya Shraddhananda Avaduta when the petitioner was elected as Purodha Pramukha another expelled member filed a Title suit no.138 of 2008 challenging the election and also filed an application for injunction restraining the petitioner from functioning as the purodha pramukha of Ananda Marga . The said prayer was refused by the Hon'ble High Court.

7. Under such factual backdrop, the petitioner filed the application under section 151 of the code of civil procedure before the learned trial court seeking an order of injunction restraining the opposite parties or their men and agents from making any disturbance to the petitioner in holding the DMS on 30th December 2012 -1st January 2013 or on any of the dates at DMS ground, Ananda Nagore, District Purulia. The petitioner being aggrieved by such order of refusal dated December 19, 2012 filed a Miscellaneous Appeal and by virtue of an order dated 21st February, 2014 the Appeal has been dismissed. Hence this revisional application filed.
8. It is submitted by the Learned Senior Advocate appearing on behalf of the petitioner that Ananda Marge Pracaraka Samgha is a socio spiritual, religious, cultural and charitable society registered under the West Bengal Societies Registration Act, 1961 and has been recognized as a religious denomination. It is submitted that "Samgha" organizes various functions and programme including the yearly spiritual congregation called Dharma Maha Sammelan within its own land at DMS ground in the District of Purulia. Traditionally in the mid-year Dharma Maha Sammelan is held on Ananda Purnima day during the summers and the annual Dharma Maha Sammelan is organized each year on the eve of global New Year according to Gregorian calendar on 30th -31st December and 1st January of the year following the dictum of their own constitution. It is submitted that some members including the plaintiff no. 2 to 4 were expelled due to their involvement and abatement in activities detrimental to the interest of Samgha including the plaintiff/Opposite Parties no. 2 to 4 and they filed another suit being title suit no 359 of 2003 with an application seeking

temporary injunction restraining the office bearers including the predecessor of the petitioner herein from giving any effect to the order of expulsion which was rejected by the Learned Trial Court on 14th June, 2005 followed by an order of rejection by the Learned Additional District Judge 2nd Court in misc. appeal no. 25 of 2005 with the observation:

“The present governing body will remain in management i.e. act of administration as well as management of Ananda Marga Pracaraka Samgha will remain in the hands of the defendants/respondents.

In so far as the expulsion of members is concerned both parties to the suit are directed to maintain status quo in respect of religious organization as on this date till disposal of the suit”.

9. It is the contention of the Learned Senior Advocate that in view of the expulsion certain members including the plaintiff/ Opposite Parties formed a separated Governing Body and made an attempt to interfere with the administration and affair of the Samgha by seeking to hold Dharma Maha Sammelan. The predecessor of the petitioner initially conceded to permit the dissident Group to hold Dharma Maha Sammelan on the lands of Ananda Marga Pracaraka Samgha on the dates except those chosen by the petitioner under its predecessors. The said concession was subsequently demanded as a matter of right of the said group and then the administration started other rules to grant the permission to both or the split up choice dates arbitrarily.

10. It was further argued that on challenge before the Hon'ble Court it was observed that the parties should approach the civil court seeking declaration of their right to hold DMS which was further challenged before the Appellate forum and the observation not to treat the order of writ court as precedent since the dates for holding the DMS are over.

11. It is strenuously argued by Learned Senior Counsel that the plaintiff/Opposite Parties started interfering with the administration and affairs of Ananda Marga Pracaraka Samgha regarding the programme/function and in terms of the order writ Court the present petitioner filed the application under Section 151 of the Code of Civil Procedure before the Learned Trial Court seeking an interim order of injunction restraining the plaintiff/ Opposite Parties from making any disturbance to the petitioner in holding such DMS. The said application was rejected by the said learned court .The miscellaneous appeal filed against the said order of rejection was heard on contest by the Learned Court and passed an order dated 21st February, 2014 holding inter alia and that the petitioner has failed to show that it has any 'monopoly' to hold DMS and/or that the Opposite Parties are creating any disturbance.

12. That apart the Learned Appellate Court failed to appreciate that the right to manage the affairs of the society includes the right to manage its assets and properties and accordingly the right of the petitioner for managing the affairs of the society are protected by the order dated 14th June,2005 affirmed by the Order dated 19th July,2006 by the Learned Trial Court as well as by the Order dated 4th December,2007 and mere concession by the office bearers in permitting the plaintiff/Opposite Parties to hold DMS at its

DMS ground on some occasion can neither operate as a waiver of the established right during the pendency of the suits nor can create any right in favour of the plaintiff/ Opposite Party.

13. Furthermore, the Court did not consider that DMS being a spiritual programme is required to be held under the aegis of the Reverend Purodha Pramukha and the election of the petitioner as the Purodha Pramukha having been declined to be interfered with at the interlocutory stage until , the exclusive right of the petitioner to call and preside over the DMS should preserve during the pendency of the suits unless otherwise overturned by any orders passed by the Hon'ble Supreme Court .The learned advocate relied upon the decision of the Hon'ble Supreme Court reported in¹ Satyadhan Ghoshal and Ors vs Deorajin Debi and Anr ,² Paresh Chandra Das vs Bikash Kumar Das & ors and³, Sukhendu Maity vs Abhinaba Prakashan and Ors.

14. Per contra the learned Senior counsel of the Opposite Parties argued that and on and from 30th December, 2011 to January 2013 on the DMS ground of Ananda Marga Pracaraka Samgha at Ananda Nagar, P.S. Jaipur, the prayer for injunction to hold DMS was rejected by the Learned 3rd Additional District Judge, Purulia in title suit no 305 of 2003 which was further affirmed by the Learned Appellate Court being Misc. appeal no 32 of 2012 on 21st February, 2014 with the observation that the appellant failed to bring any evidence in support of their contention that they have exclusive right of calling or holding a DMS and also noted that the appellant could not bring

¹ (1960) 3 SCR 590

² 2010(3) CHN (cal) 939

³ 2005 SCC online cal 217

any evidence to show that they have the monopoly over dates and the venue for holding their DMS Maha Sammelan. The Court further noted that both the parties even in earlier years held Dharma Maha Sammelan on the same venue on two different dates. This order was travelled up to Hon'ble High Court at Calcutta whereby the Hon'ble Court was pleased to hold *"that till the rights of all the two groups were finally adjudicated, the exclusivity all right of any particular group of holding DMS at the said venue or over the said dates could not be determined and till such time as a stop gap arrangements both groups would have the right to hold DMS, the local administration to decide upon such dates keeping in mind a likely breach of peace as well as maintenance of impugned order during such Dharma Maha Sammelan"*

- 15.** It is submitted by the Learned Senior Advocate appearing on behalf of the Opposite Party that pursuant to the direction of the Hon'ble Court the exclusive dates to be allotted by the District Administration in alternative basis and accordingly both the groups have held DMS and are holding at DMS ground since 2011-2012. The Learned Advocate handed over a list of dates of DMS which shows that since 2011-2012 the different dates are allotted to both the parties maintaining their claim and accordingly both the groups have held the DMS on the same venue. Despite that order the petitioner with certain false allegations filed the application in the suit filed by the opposite part and that is hit by the principles of Res judicata. Time and again the courts have directed the matter to be adjudicated by the trial court to arrive at a proper decision and the petitioner who made several attempts to jeopardised the situation only in order to harass the opposite parties and to delay the proceeding pending before the trial court has filed

this revisional application which should be dismissed with costs. The learned senior advocate relied upon the decision reported in⁴ M. Nagabhusana vs State of Karnataka and ors. to substantiate her contention that the petitioner by filing this application has caused abuse of process of courts and the limitative adventure of the appellant is contrary to the principles of Res judicata as well as of principles of constructive res-judicata. Another decision relied upon as reported in⁵, State of U.P vs Nawab Hussain where it was observed that constructive res-judicata available to the defendant in a suit when the plaintiff could have raised the plea in the writ petition filed by him earlier. Further judgement cited as reported in ⁶ Ramjas Foundation and Anr. Vs Union of India and ors. Which relates suppression of facts and denial of relief when the parties does not come in clean hands.

16. It is pertinent to mention herein in view of such continuous allotment of dates which are being followed by both the parties since last 12 years approach was made by this court to settle the dispute before this court amicably and allot the dates to the respective parties taking que from the history of last 12 years since the dispute germinated over the date of holding DMS on the same day and at the same place by both the parties. However the parties were found reluctant to enter upon any such settlement as submitted through their respective counsels.

17. After hearing both the learned counsel and the materials on record it can be gathered that the dispute pertains to holding of Dharma Maha Sanmilon

⁴ (2011) SCC 408

⁵ (1977) 2 SCC 806

⁶ (2010) 14 SCC 38

by both the groups claiming to be the governing body of Ananda Marga , on the same date and at same place . Ananda Marga has been recognized as a religious denomination within Hindu Religion which has been declared by the Hon'ble Supreme Court of India. Ananda Marga Pracharak Samgha founded by Reverend Shrii Shrii Ananda Murtijii was a profounder of new philosophy, namely Ananda Marga and it is an association registered under West Bengal Societies Registration Act having their office at Purulia. The Title suit no.305 of 2003 was filed by plaintiff No.2 to4 being the opposite parties herein against Acharya Raghunath Prasad and Acharya Dhruvananda Avadhuta who became the President and General Secretary for the term 2002-2003 . The prayer made in the said suit were for a Decree for declaration that 15 members including the plaintiff no 2 to 4 /Opposite Parties herein are elected office bearers and members of Governing body for the year 2003-2004. They further prayed for a decree for declaration that the original defendant no. 1& 2 that is the president and secretary of the said governing body have no right or competence to withhold the charge of the office of Ananda Marga Pracarak Sambha and they are not the office bearer of the governing body and further prayed for permanent Injunction restraining them from functioning as President and Secretary and Mandatory injunction directing the said defendants to hand over charge of the office of Ananda Marga Pracharak Sambha to the plaintiff/ Opposite Parties no.2 to 4.

It will not be out of place to mention herein that the total number of suits pending between the parties almost touching the same issue as furnished

with the Affidavit in opposition by the opposite parties and from the revisional application as mentioned are as follows;

On 23rd February, 2004 the Title suit no 22 of 2004 filed before the Learned Civil Judge, Senior Division, Purulia by the petitioner against the Opposite Parties and also obtained an ex-parte order on 31st March, 2004 to that extent that the Opposite Parties cannot organise DMS in the name of Ananda Marge Pracaraka Samgha. After being apprised of such Order, 6 Opposite Party contested the same and the Learned Judge observed that the petitioners(Ranchi Administration) is not at all a member of the Executive Committee when the Opposite Parties are members of law fully re-constituted Governing Body of Ananda Marge Pracaraka Samgha for holding the DMS with the approval of lawfully reconstituted Governing Body of said Samgha and thereby rejected and recalled the interim order dated 23rd February, 2004 and disposed of the said petition .

The Title suit No. 10 of 2006 was filed by the petitioners seeking injunction not to allow the Opposite Parties to hold DMS in the name of Ananda Marge Pracaraka Samgha till disposal of the suit and obtained an ex-parte order on 1st May, 2006. The said matter was contested by the Opposite Party and the order passed earlier was recalled.

One of the Opposite Party filed a Title suit no 359 of 2003 seeking temporary injunction against illegal expulsion from Samgha before the Learned Civil Judge Senior Division, Purulia which was rejected and being aggrieved there by a misc. appeal was filed being Misc. appeal no 25 of 2005 before the Learned 2nd Court Additional District Judge, Purulia and the said

Order was set aside on 14th June,2005 with a direction to both the parties to maintain Status-quo in respect of their respective position in the religious organisation.

Another Title suit was filed by one of the member of the Petitioner organisation being title suit no 138 of 2008 before the Learned Civil Judge, Senior Division, Purulia against the spiritual head Purodha Pramukha wherein an order of temporary injunction was allowed which was reversed vide order dated 30th August,2010 passed by the Learned Additional District Judge, Fast Track Court, Purulia in Misc. appeal no 281 of 2008. In that suit the present Opposite Party was the intervenor.

Two writ petitions being no 20947 (W) of 2011 and WP no 21016 (W) of 2011 were filed before the High Court at Calcutta seeking permission to hold annual Dharma Maha Sanmela on 30th December, 2011 and 1st January,2012 when after hearing both the parties direction was given to the SDO to give a fresh decision within 3 working days and allotting days of both groups to hold their respective Sanmela. The petitioner of Ranchi Administration challenged the order allotting the date passed by SDO in a writ petition being Misc. no. 36 of 62 (W) of 2013 filed before this High Court where Hon'ble Justice Sanjib Banerjee Vide an order dated 12th December,2013 dismissed the writ petition on the ground that no perversity in the order of SDO be found which would require to be interfered within the jurisdiction. An appeal was preferred by petitioner/Ranchi Administration against such order which was dismissed with the observation that the said arrangement was nothing but a stop gap arrangement. It is further gathered that since thereafter every year a

number of writ petitions are being filed for the same purpose and the co-ordinate bench of the Hon'ble Court by various orders modify their allotment to both the groups for holding such DMS at the same venue and accordingly the DMS are held in every year.

18. In the application under Section 151 of CPC the petitioner admitted the fact that title suit no. 305 of 2003 filed by the present Opposite Parties no 2 to 4 being plaintiff moved an application for injunction with an allegation against the present petitioner that they are conducting the Administration of Ananda Marga Pracaraka Samgha most arbitrarily and illegally but the Learned Court of Civil Judge, Senior Division rejected the said application for temporary injunction by order dated 18th March, 2006 which was further modified by the Learned Appellate Court with the above observation. The Learned Court further observed that the existing Governing Body will remain as it is and they will function as functioning at that time and they should not be disturbed for the sake of peaceful administration. The Learned Court further ordered that *"in order to avoid more litigation and for smooth functioning of the Sangha, the defendants will select 5 members named by the appellant (plaintiffs) who will represent the appellants at the time of meeting of the said Governing Body but under no circumstances this 5 members selected by the appellants can claim any membership in the Governing Body of the Samgha"*.

19. According to the present petitioner the opposite Parties are expelled members and they have no authority to claim any privilege to deal with the administration of the organisation. The Learned Additional District Judge, 2nd Court, Purulia in Misc. appeal 25 of 2005 specifically observed that the

present Governing Body will remain in management that is the act of administration as well as management of Ananda Marga Pracaraka Samgha will remain in the hand of the present petitioner are directed both the parties including the expelled members to maintain status quo in respect of the religious organisation till disposal of the suits. Therefore further questioning on the authority or to pray for an order of restrain against the opposite amounts to abuse of process of law as hit by principles of res-judicata.

- 20.** It is an admitted fact that the suit is still pending and hence the authority to run the administration has or having authority to deal with the religious organisation is yet to be decided. The Learned appellate Court while refusing the prayer of present petitioner and affirming the order passed by the trial court on 28th March, 2014 observed that both the parties wanted DMS at the DMS ground on the same date and as the defendant no.4 prayed for of injunction against the plaintiffs that is the present Opposite Parties it was incumbent upon the petitioner to establish that he had the executive right to hold the Dharma Maha Sanmela on the dates and venue specified in the petition and or that the Opposite Parties had no manner of right or interest in holding any Dharma Maha Sanmela on the said dates or at the said venue. The Learned Appellate Court considered the various orders including the order of Hon'ble Court whereby it was clearly observed that the exclusivity of rights of the particular group to hold the Dharma Maha Sanmela at the said DMS ground on the said date could not be determined and as a stop-gap arrangement both the groups were directed to hold their respective DMS as to be decided by the SDO.

21. Therefore to that extent the point of res judicata is applicable so far the prayer of the petitioner concerned since the said issue has been dealt with by a number of courts. In this regard the decision relied upon by the learned advocate of the opposite party in the case of M. Nagabhushana vs State of Karnataka (*supra*) of the Hon'ble Supreme Court squarely applies as it is clear that the attempt by the appellant to agitate the same issues which were considered by the writ court as well as by the revisional court and the trial court as discussed above and were rejected and decided can be said to of clear instances of an abuse of process of court apart from hit by principles of res-judicata.

22. The interesting part is that that the suit was filed in the year 2003 by the present Opposite Party, the appellate court passed the order in the year 2014 and the Civil Revisional application was filed in the year 2016 in respect of the dispute as to holding of DMS at the same venue on the same date and time which in reality has been passed through a series of litigation. To be precise the dispute was set at rest by the above orders whereby a stop gap arrangement was also suggested and is being followed as of now and unless a decision comes from a competent court of law determining their respective right and interest over the religious organisation none of the parties can claim their exclusive authority to the exclusion of the other over the governance of the organisation as well as to hold the DMS. It is undisputed that both the parties are the followers of one religious organisation that is Ananda Marga and only because of the dispute cropped up between the two groups over the governance of administration, series of litigation took place and some of which are still pending between the

parties. To be precise the purpose of filing of that application of interim injunction for the year 2011 to 2012 to hold DMS was over with the passage of the year but it has been dragged and still continuing despite having clear direction from the High court. Most interesting fact is in each and every year applications are being filed before the SDO pursuant to that direction of the Hon'ble Court, and dates are allotted to both the parties for selection of dates which results in filing Writ petition every year and only after the order of the Writ court, date of holding DMS is fixed and this way the DMS in each year takes place and his system is prevailing for last 12 years that is for a decade. Several unsuccessful attempts were made by this Court and the co-ordinate benches of this Court on every occasion for sending the matter for mediation at least for the purpose of settlement of date of holding DMS as an interim arrangement till disposal of the suit and therefore expeditious disposal of the suit is the only solution.

23. Mr. Chaturvedi the Learned Senior Counsel for the petitioner tried to impress this Court that the present Opposite Parties are violating and not complying with the order passed by the Hon'ble Court whereby directions was given to both in the form of status quo to be maintained in respect of the property till disposal of the suit and this application under Section 151 was filed only for implementation of the said order and are not for the year 2011 to 2012 but for any subsequent year .The attention of this court was drawn to the order passed by the Appellate Court in Misc. appeal 25 of 2005 where it was clearly observed that *"I think it would be prudent to restrain the defendant respondent from continuing in the office at the same time it will also call hardship and prejudice to the plaintiff/ appellant have the order*

dated 16.09.2003,29.09.2003,24.10.2003 and 29.03.03 are implemented". It is his specific contention that when an order of status quo was granted to both the parties in respect of their respective possession in the religious organisation and when the management was directed to be remain in the hand of the present petitioner the present opposite Parties have no right and interest to hold DMS or to apply for holding such DMS on the same venue in the name of the principal religious organisation. In terms of the settled provision a contempt application could have been the better option in case a violation of the order of court can be seen instead of filing the petition under section 151 of the code.

24. A decision has been relied upon by the Learned Senior Counsel reported in ⁷Prakash Chandra Das vs Bikash Kumar Das and Ors. whereby the order refusing the prayer of the plaintiff for grant of police help was allowed with the observation that the plaintiff's prayer for grant of police help for implementation of interim injunction is to be allowed .This court finds no reason to consider the filing of the application by the petitioner in the suit of the opposite party can be treated for implementation of the order passed by a different court in a different proceeding and this decision will be of non-help for the petitioner.

25. Another judgement relied upon reported in⁸ Sukhendu Maity vs. Abinaba Prakashan and others where the Hon'ble Division Bench presided over by Justice Bhaskar Bhattacharyaa in a title suit where prayer was made for an order of common injunction restraining the appellant from publishing a

⁷ 2010 (3) (cal) 939

⁸ 2005 SCC online cal 217

book ,rejected the application for injunction filed by the plaintiff and observed that the plaintiff has failed to prove prima facie case and a fit case where no injunction should be granted. It was further observed that the plaintiff by its own conduct abandoned his right under the alleged agreement by entering into new agreement on the self-same subject with the different author. The facts and circumstances are absolutely different in the instant case and therefore is not applicable.

26. Another judgement has been cited as reported in ⁹ Satyadhyan Ghosal and other Vs Deorajin Debi (Smt.) and submits that it was observed by the Hon'ble Supreme Court in paragraph 7

'the principal of res judicata is based on the need of giving finality to judicial decisions. What it says is that once a res is judicated it shall not adjudged again. Primarily it applies as between passed litigation and future litigation. When a matter whether on a question of fact or a question of law has been decided between two parties in one suit or proceeding and the decision is final, either because no appeal was taken to a higher Court or because the appeal was dismissed, or no appeal lies to canvas the matter again. The principal of res judicata is embodied in relation to suits in Sec 11 of the Code of Civil Procedure but even where Section 11 does not apply; the principal of res judicata has been applied by Courts for the purpose of achieving finality in litigation. The result of this is that the

⁹ (1960) 3 SCR 590

original Court as well as any higher Court must in any future litigation proceed on the basis that the previous decision was correct”.

The law laid down in this judgement goes against the petitioner since the filing of the application under section 151 of the code can in all possibility is hit by principles of res judicata in the light of the discussions made herein above.

27. The crux of the matter is as observed by a co-ordinate bench of this Court in CO NO. 3721 of 2006 on February, 4, 2011 that *“admittedly several litigations are pending. As per materials on record other defendants took steps for sale of certain properties of the plaintiff no.1..The application for temporary injunction was moved when the constituted attorney was trying to sale other immovable properties of the Samgha this being the position, I hold that the plaintiffs have made prima facie case to go for trial and that there is an urgency to have an order of temporary injunction. If the properties of the plaintiff no 1 are sold away by the defendants behind the back of the plaintiffs, certainly the plaintiffs may suffer irreparable loss. That is why they have filed the suit for declaration and other reliefs as stated. Therefore, if the injunction as prayed for, is not granted, the plaintiffs have the chance of suffering irreparable loss. If the order of injunction in the form of statuesque is maintained for a limited period, I am of the view that the defendants have nothing to suffer but the plaintiffs’ interest in the property will be secured. So the balance of convenience lies in favour of the plaintiffs”.*

28. With the above observation the Hon’ble Court directed an order of status quo with regard to the suit property as it stands on that date of order was to

be maintained till the disposal of the suit, with further direction to the Learned Trial Judge to dispose of the suit within a period of six months.

29. The stand taken by the Learned Senior Advocate Mr. Chaturvedi was that though the prayer was made only for holding the Dharma Maha Sanmela on 30th December, 2012 to 1st January, 2013 on the above mentioned venue the prayer was made or on any other date or dates of holding such Dharma Sabha on the same spot and therefore even after passing of 15 years from such prayer it is still valid and relevant as in every year the petitioner are facing the same problem despite having some order in their favour. This Court is unable to accept the contention of the Learned Senior Advocate in view of the observations made by the High court in the writ petition as well as in the Civil Revisional application that unless any such order of injunction is granted the petitioner will suffer irreparable loss and injury. Both the learned trial court and the learned appellate court observed that the petitioner has failed to establish the three golden rules which are essential to have an order of temporary injunction even though the application for injunction was filed under section 151 of the code of civil procedure and not under order 39 rules 1& 2 of the code. This court further finds no merit in the stand taken by the learned senior advocate of the petitioner that the application was filed to implement the direction passed by a court of law to maintain status-quo in a different suit since it was meant to maintain status-quo in respect of the suit property. The undisputed fact regarding management ,the court has specifically passed a direction and the governance of the society by the petitioner has not been disrupted but so far holding of DMS is concerned a specific order after

proper adjudication is necessary as to whom such exclusive right to hold DMS will be entrusted .

30. The said suit is still pending at the same time it is undisputed that unless the determination of the authority of both the parties here regarding their control over the supervision and governance of the original religious organisation is ascertained by a competent Court of law where the both parties have filed their respective suits this Court cannot express or make any such observation which would favour any of the parties of the proceeding. This is the reason why all the Hon'ble Courts as well as the Learned Trial Courts were of the same view and directed the parties to maintain status-quo as regard the suit property and also directed the local administration to select the date allotting either of the parties to hold the DMS. The list of dates as placed before me which clearly shows how the dates are being allotted for last 12 years and how the DMS are being held on the same spot by both the parties. The submissions of the Learned Senior Advocate regarding implementation of the order of injunction granted in title suit no 305 of 2003 by filing an application under Section 151 of the Code of Civil Procedure in the said suit to restrain the Opposite Parties from holding any such DMS in every year till the disposal of the suit has no merit to be considered.

31. In view of the above this Court finds no reason to interfere with the order passed by the Learned Trial Court. The Learned Trial Court is however directed to make all endeavour to dispose of the suit without granting any unnecessary adjournment either of the parties at an earliest preferably within a year from the date of receiving the copy of this order.

32. Hence the revisional application is hereby dismissed.

33. The Order passed by the Learned Additional District and Session Judge, Purulia, in Misc. appeal no. 32 of 2012 on 21st February, 2014.

34. No order as to costs.

35. Urgent certified copy of the order be supplied upon compliance of all formalities.



(CHAITALI CHATTERJEE DAS, J.)