

GAHC010056302023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : CRP/34/2023

ARUPANANDA GOSWAMI AND 3 ORS
S/O LATE JIBANANANDA GOSWAMI, DHARMACHAJYA SRI SRI
MAYAMORA DINJOY SATRA, R/O DINJOY, CHABUA, P.O.-DINJOY, P.S.-
CHABUA, MOUZA-BOGDONG, DIST-DIBRUGARH

2: SRI SRI MAYAMORA DINJOY SATRA SEWA SAMITI
OFFICE AND ADD- DINJOY SATRA
P.O.-DINJOY
P.S.-CHABUA
MOUZA-BOGDONG
DIST-DIBRUGARH

3: CHANDRA KAMAL DEKA
S/O LATE BISWABAHEN DAS
PRESIDENT OF TEKELA CHIRING GAON
CHIRING CHAPORI
P.S.-DIBRUGARH
DIST-DIBRUGARH

4: MOHAN DUTTA
S/O LATE NOGEN DUTTA
SECRETARY
DINJOY SATRA SEWA SAMITI
R/O DHUPDHARA
MAIJAN
P.S.-DIBRUGARH
DIST-DIBRUGARH

VERSUS

MUKUNDANANDA DEVA GOSWAMI @ MUKUNDANANDA CHANDRA
GOSWAMI AND 6 ORS
S/O LATE MAHANANDA GOSWAMI, SATRADHIKAR, SRI SRI MAYAMORA
DINJOY SATRA, R/O DINJOY, CHABUA, P.O.-DINJOY, P.S.-CHABUA,

MOUZA-BOGDONG, DIST-DIBRUGARH

2:DINJOY SATRA UNNAYAN AND SANGRAKHAYAN SAMITI
CHABUA
DINJOY SATRA
P.O.-DINJOY
P.S.-CHABUA
MOUZA-BOGDONG
DIST-DIBRUGARH

3:CHAND KUMAR GOHAIN
S/O LATE NORESWAR GOHAIN
PRESIDENT OF DINJOY SATRA UNNAYAN AND SANGRAKHAYAN SAMITI
CHABUA
R/O SEOJPUR (JALANNAGAR)
MOUZA-DIBRUGARH TOWN
P.O.-DIBRUGARH
P.S.-DIBRUGARH
DIST-DIBRUGARH

4:DANDI KUMAR DUTTA
S/O LATE INDRESWAR DUTTA
SECRETARY OF DINJOY SATRA UNNAYAN AND SANGRAKHAYAN SAMITI
CHABUA
R/O MERELIPATHAR CHABUA
P.O.-DINJOY
P.S.-CHABUA
MOUZA-BOGDONG
DIST-DIBRUGARH

5:DINJOY SATRA PARICHALANA SAMITI
OFFICE AND ADD- SREE SREE MAYAMORA DINJOY SATRA
P.O.-DINJOY
P.S.-CHABUA
MOUZA-BOGDONG
DIST-DIBRUGARH

6:GOBINDA CHANDRA DAS
S/O LATE PREMADHAR DAS
VICE PRESIDENT
DINJOY SATRA PARICHALANA SAMITI
R/O PANIERA GAON
P.O.-DINJOY
P.S.-CHABUA
MOUZA-BOGDUNG
DIST-DIBRUGARH

7:PRABHAT DUTTA

S/O LATE PREMADHAR DUTTA
SECRETARY
DINJOY SATRA PARICHALANA SAMITI
R/O DINJOY SATRA
P.O.-DINJOY
P.S.-CHABUA
MOUZA-BOGDUNG
DIST-DIBRUGAR

Advocate for the petitioner(s): Mr. T Deuri

Advocate for the respondent(s): Mr. A Choudhury
On behalf of Mr. B Pathak

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

03.05.2024

This is an application under Section 115 of the Code of Civil Procedure, 1908 (for short, the Code), challenging the order dated 21.12.2022 passed in connection with Misc. Appeal No. 87/2012 by which the learned Additional District Judge (FTC) Dibrugarh had set aside and quashed the order dated 14.09.2022 passed by the learned Civil Judge, Dibrugarh in connection with Misc.(J) Case No.57/2022, arising out of Title Suit No.96/2022.

2. From the materials on record, it transpires that the petitioners herein as plaintiff had instituted a suit before the Court of the learned Civil Judge at Dibrugarh which was registered and numbered as Title Suit No.96/2022. This Court finds it very pertinent to reproduce paragraphs 13 and 14 of the said plaint:

"13. That it is surprising and heart breaking event to the plaintiffs that since after adoration of the defendant No.1 on 15.02.2022 as 20th Satradhikar of Dinjoy Satra, the defendants denied the right of the plaintiff No.1 to administer "SARAN" and "BHAJAN" to the devotee inside the Satra Bar-Namghar, from taking bath in Borpukhuri and from Bow Down before Singhasan of the Satra Monikut that required before initiation of "SARAN" and "BHAJAN" for both the Dharmachajya and devotee come for "SARAN" and "BHAJAN" which is quite necessary as per rites and ritual of SRI SRI MAYAMORA DINJOY SATRA and such illegal and unauthorized obstruction of defendants started since next day of adoration of defendant No.1. i.e. from 16.02.2022 and continued till date."

"14. That as a result of such illegal and unauthorized obstruction of the defendants, the plaintiffs, specially the plaintiff No.1, the Dharmachajya of the Satra, could not have exercise and discharge his obligation as well as his right to administer "SARAN" and "BHAJAN" to valued devotee of the Satra who come from different villages out of 136 villages for initiation before him, but have to return with dissatisfaction."

3. A reading of the above paragraphs categorically shows that the plaintiffs since after adoration of the defendant No.1 on 15.02.2022 as 20th Satradhikar

of Dinjoy Satra, their rights have been denied and the plaintiff No.1 was not allowed to administer Saran and Bhajan to the devotee inside the Satra Bar-Namghar or from taking bath in Borpukhuri as well as from bowing down before Singhasan of the Satra Monikut that is required before initiation of Saran and Bhajan for both the Dharmachajya and devotees for Saran and Bhajan. It was further mentioned that both the Dharmachajya and devotee come for Saran and Bhajan. It was further mentioned that such illegal and unauthorized obstruction of defendants started since the next day of adoration of defendant No.1. i.e. from 16.02.2022 and continued till date.

4. Therefore, it is very clear that as on the date on which the suit was filed, the petitioners herein were not permitted to administer Saran and Bhajan to the devotees inside the Satra Bar-Namghar, or from taking bath in the Borpukhuri as well as from bowing down before the Singhasan of the Satra Monikut, which are required as per the plaintiffs for initiation of Saran and Bhajan for both the Dharmachajya and the devotee coming for Saran and Bhajan. It is under such circumstances, the suit was filed seeking declaration that the plaintiff No.1 has due rights to administer and utilize the Bor-Namghar, Monikut and Borpukhuri and to administer Saran and Bhajan to the devotees of the Satra who come from different villages under the Satra; for a declaration that the plaintiff No.1 as Dharmacharjya has equal standard, honour, dignity, and entitled to equal facilities with that of defendant No.1, the Satradhikar of the Satra; for a permanent injunction restraining the defendants and the persons working under them from doing any acts or things towards prohibiting/interfering the plaintiff No.1 in using the Bor-Namghar, Monikut and Borpukhuri of the Satra in administering the initiation of Saran and Bhajan to the valued devotees coming

from 136 numbers of villages under the Dinjoy Satra. Along with the suit, an injunction application was filed which was registered as Misc(J) Case No.57/2022 seeking temporary injunction in tune with the permanent injunction so prayed for in the suit.

5. The learned Trial Court vide order dated 16.03.2022 directed both the parties to maintain status-quo over the matter in dispute and further restrained the opposite parties from unauthorized obstruction of the petitioner particularly the petitioner No.1 from utilizing the Bor-Namghar and Monikut for administering initiation of "Saran" and "Bhajan" to the devotees of the Dinjoy Satra as well as from using the Borpukhuri of the Satra by the disciple that required to bath before initiation, who came for "Saran" and "Bhajan" till the next date. Thereupon, the written objections were filed and further to that the written statement was also filed by the defendants along with the counter claim.

6. The learned Trial Court disposed of the said injunction application by the order dated 14.09.2022 and the injunction order dated 16.03.2022 was directed to be continued till the disposal of the suit.

7. Being aggrieved, an appeal was preferred which was registered as Misc. Appeal No.87/2022 by the defendants, who are the respondents herein. Vide the order dated 21.12.2022, the Misc. Appeal No.87/2022 was allowed by setting aside the orders dated 16.03.2022 and 14.09.2022 passed in Misc.(J) Case No.57/2022.

8. It is under such circumstances, the present petition has been filed

challenging the order dated 21.12.2022.

9. I have heard Mr. T Deuri, the learned counsel appearing on behalf of the petitioners and Mr. A Choudhury, the learned counsel appearing on behalf of the respondents and this Court has given due consideration to their respective submissions.

10. This Court had duly taken note of the orders passed by the learned Trial Court as well as the learned First Appellate Court. As already noticed hereinabove, at paragraphs 13 and 14, the plaintiff had categorically mentioned in their plaint that they were not allowed to act as the Dharmacharjya and administer Saran and Bhajan inside the Dinjoy Satra premises at Dinjoy Chabua since 16.02.2022.

11. This Court upon perusal of the impugned order of the learned Trial Court dated 14.09.2022 finds it very pertinent to observe that the learned Trial Court on one hand directed the parties to maintain status-quo, meaning thereby, the plaintiffs, who were debarred from exercising any right as Dharmacharjya or administering Saran and Bhajan inside the Dinjoy Satra premises could not have acted as the Dharmacharjya and administer Saran and Bhajan inside the Dinjoy Satra and on the other hand had restrained the opposite parties to interfere with the right of the plaintiffs to act as the Dharmacharya and administer Saran and Bhajan inside the Dinjoy Satra. The said order on the face of it was contradictory in nature. Apart from the fact that the learned Trial Court in the injunction proceeding had almost granted the final relief.

12. The learned First Appellate Court had duly taken note of the said aspect of the matter as could be seen in paragraphs 9 and 10 of the impugned order. This Court having perused the said paragraphs is of the opinion that the learned First Appellate Court duly exercised the jurisdiction conferred upon it, taking into account that the order passed by the learned Trial Court dated 14.09.2022 was on the face of it arbitrary, illegal, unreasonable, irrational as well as in violation of the well settled principles for grant of an injunction. Consequently, this Court finds no ground to interfere with the impugned order dated 21.12.2022 for which the instant petition stands dismissed.

JUDGE

Comparing Assistant