2026:AHC:155953

HIGH COURT OF JUDICATURE AT ALLAHABAD

SECOND APPEAL No. - 505 of 2026

Murti Shri Ram Chandra Ji Virajman And 6 Others
.....Appellant(s)

Versus

Ashish 19 Others
.....Respondent(s)

Counsel for Appellant(s)	:	Santosh Kumar Mishra
Counsel for Respondent(s)	:	Himanshu Dubey, Vijay Anand Rai

Court No. - 54

HON'BLE ANIL KUMAR-X, J.

1. Shri Santosh Kumar Mishra, learned counsel for the appellant and Shri Shashi Nandan, learned Senior Advocate assisted by Shri Himanshu Dubey, learned counsel for the respondents are present

2. This second appeal has been preferred against the judgment dated 24.03.2026 and decree dated 30.03.2026 passed by learned District Judge, Mirzapur in Civil Appeal No. 9 of 2024 (Murti Shri Ram Chandra Ji Virajman and others Vs. Ashish and others) whereby the learned appellate court has dismissed the appeal of the appellants with cost and has confirmed the judgment dated 29.05.2024 and decree dated 13.06.2024 passed by learned Civil Judge (Junior Division), Mirzapur in Civil Suit No. 861 of 2022 (Original Suit No.265 of 2014) dismissing the Suit of the appellants.

3. For the sake of convenience, the parties hereinafter shall be referred to by their nomenclature as assigned in the plaint. The appellants are the plaintiffs and the respondents are the defendants in the aforesaid suit.

Facts of the Case

4. The plaintiffs instituted a suit seeking a decree of declaration, permanent injunction and mandatory injunction. According to the plaint, the plaintiffs are Hindu by birth and have deep faith in Lord Rama. Claiming themselves to be the next friend of the idol of Lord Rama situated in District Mirzapur, they instituted the present suit on behalf of the deity. It was pleaded that Late Sri Kedar Nath Mishra, son of Late Sri Har Kishor Mishra, became the owner of Gata Nos. 546, 547, 548, 549,

554, 569, 570, 571, 572, 574 and 577, having a total area as mentioned in the plaint, pursuant to a permanent lease dated 13.03.1947. Although the lease was executed in favour of Late Kedar Nath Mishra, the entire consideration was allegedly paid by Late Kailash Nath Agrawal.

5. It was further pleaded that Late Kedar Nath Mishra executed a gift deed dated 17.08.1949 in favour of Late Kailash Nath Agrawal, subject to the condition that an idol of Lord Rama would be installed over the gifted property. It was also stipulated in the gift deed that the income derived from the property would not be used by Late Kailash Nath Agrawal or his legal heirs for their personal benefit, nor would they have any right to alter the title of the property. Late Kailash Nath Agrawal was appointed as the Manager of the said property. According to the plaintiffs, the defendants, who are the legal heirs of Late Kailash Nath Agrawal, acted in collusion with each other and partitioned the property amongst themselves.

6. It was also alleged that they had sold certain portions of the property in violation of the conditions contained in the gift deed. The plaintiffs claimed that they came to know about these acts on 13.04.2011, whereupon they submitted representations to the District Magistrate, Mirzapur and other competent authorities requesting them to take appropriate action. Since no action was taken, the present suit came to be instituted. The plaintiffs prayed for a decree declaring that the defendants had ceased to have any right to continue as Managers of the property, a decree of permanent injunction restraining them from transferring or alienating the property, and a decree of mandatory injunction directing the concerned administrative authorities to take over the management of the entire property and administer its affairs.

7. The defendants filed their written statement denying the averments made in the plaint. They pleaded that Late Sri Kedar Nath Mishra became the owner of the disputed property by virtue of the permanent lease deed dated 13.03.1947. According to them, although the lease stood in the name of Late Kedar Nath Mishra, it was obtained by Late Kailash Nath Agrawal through one of his close confidants, and throughout his lifetime the property was possessed, managed and utilized by Late Kailash Nath Agrawal according to his own wishes. The defendants admitted the

execution of the gift deed dated 17.08.1949 and the condition contained therein that an idol of Lord Rama would be installed over the property and that neither Late Kailash Nath Agrawal nor his successors would have any right to alter its title. However, they pleaded that neither Late Kailash Nath Agrawal nor his successors ever constructed any temple or installed any idol of Lord Rama over the property. They further contended that the said condition contained in the gift deed was itself void and unenforceable.

8. It was further pleaded that the defendants had been openly dealing with the property as its owners for several decades. According to them, they had been selling portions of the property since the year 2000 and had earlier constructed a cold storage and residential houses over the property in the year 1967. The defendants also pleaded that Original Suit No. 2 of 1995 between the defendants relating to the same property had already been decided and the decree passed therein had attained finality. It was further stated that although the plaintiffs had challenged the mutation proceedings relating to the property, the mutation was decided in favour of the defendants and the said order was never challenged thereafter.

9. The defendants further pleaded that another suit, namely Original Suit No. 184 of 2012, Arun Chandra and others vs. Sri Ramchandra, involving the same parties and the same property, was already pending and, therefore, the proceeding of the present suit was liable to be stayed under Section 10 of the Code of Civil Procedure. Lastly, it was contended that the plaintiffs had no locus to institute the present suit either as the next friends of the deity, Sri Ramchandra, or as representatives suit under Order I, Rule 8 of the Code of Civil Procedure.

10. During the pendency of the suit, the defendants filed an application under Order VII Rule 11 of the Code of Civil Procedure contending that the plaintiffs had no right to institute the suit as representatives suit under Order I Rule 8 C.P.C. The learned Trial Court allowed the said application by order dated 11.12.2017 and rejected the plaint. Aggrieved thereby, the plaintiffs preferred Civil Appeal No. 42 of 2018, which was allowed by the appellate court vide judgment and order dated 18.07.2018. The order dated 11.12.2017 passed by the Trial Court was set aside and the Trial Court was directed to proceed with the suit in accordance with

law. The defendants thereafter challenged the appellate order dated 18.07.2018 by filing F.A.F.O. No. 3841 of 2018 before this Court. The said appeal was allowed by this Court.

11. This Court, while deciding F.A.F.O. No. 3841 of 2018, held that the gift deed dated 17.08.1949 executed by Late Sri Kedar Nath Mishra constituted an endowment deed creating a valid endowment in favour of Lord Sri Ramchandra. It was observed that upon execution of the endowment deed, the donor divested himself of all rights in the property and the property stood vested in the deity, Lord Sri Ramchandra, who, in law, is a juristic person. The Court further held that the endowment being a private endowment, the provisions of Section 92 of the Code of Civil Procedure were not attracted. Consequently, the contention that a representative suit under Order I Rule 8 C.P.C. was not maintainable was held to be without merit.

12. The Court also observed that the plea that the plaintiffs have no cause of action is distinct from the plea that the plaint does not disclose a cause of action. While considering an application under Order VII Rule 11 C.P.C., the Court is only required to examine whether the plaint, on its face, discloses a cause of action. The question as to whether the plaintiffs would ultimately succeed in establishing the cause of action is a matter to be decided after trial and not at the stage of considering an application under Order VII Rule 11 C.P.C.

<u>Findings of the Trial Court and the First Appellate Court</u>

13. The learned Trial Court framed as many as fourteen issues for determination. Out of them, Issue Nos. 1, 2 and 12 were the principal issues, as they related to the core controversy involved in the suit. Issue No. 1 was whether the plaintiffs were entitled to a decree of declaration declaring that the defendants had no right to continue as Managers of the disputed property. Issue No. 2 was whether the defendants were liable to be permanently restrained from transferring or otherwise altering the title of the disputed property. Issue No. 12 related to the *locus standi* of the plaintiffs to institute the present suit.

14. The learned Trial Court held that the deed dated 17.08.1949 executed

by Late Sri Kedar Nath Mishra was merely a personal gift deed in favour of Late Kailash Nath Agrawal and did not create a valid religious endowment. While arriving at this conclusion, it relied upon the decision in **Mirza Hidayat Beg vs. Seth Behari Lal, AIR 1941 All 225**, wherein it was held that mere execution of a deed purporting to dedicate property to a deity is not sufficient to constitute a valid endowment unless the executant completely divests himself of the ownership of the property. Whether there has been an effective divestment is to be gathered not only from the recitals in the deed but also from the subsequent acts and conduct of the executant. Even though a document may, on its face, appear to dedicate the property to an idol, the real intention may only be to prevent alienation, perpetuate the property within the family or defeat the provisions of law. Where the executant or his successors continue to enjoy the property and appropriate its income for their own benefit, it indicates that no real endowment was intended.

15. The Trial Court also relied upon the decision in **Shiromani Gurdwara Prabandhak Committee, Amritsar vs. Shri Som Nath Dass and others, AIR 2000 SC 1421**, wherein it was held that an idol acquires the status of a juristic person only upon its consecration and installation. The Trial Court found that neither any temple had been constructed nor any idol of Lord Sri Ramchandra had ever been installed over the disputed property. It further found that the defendants and their predecessors had continued to remain in possession of the property, their names had been duly recorded in the revenue records, and the property had also been dealt with by them as owners.

16. On the basis of these findings and the evidence on record, including the admissions made by the plaintiffs, the Trial Court concluded that no valid endowment had ever come into existence and that the deed dated 17.08.1949 was only a private gift deed executed in favour of Late Kailash Nath Agrawal. It further held that the stipulation in the gift deed restraining the donee and his successors from alienating the property was void under Sections 10 and 126 of the Transfer of Property Act. In this regard, reliance was placed upon **Mt. Brij Devi vs. Shivanand Prasad and others, AIR 1939 All 221,** wherein it was held that Section 10 of the Transfer of Property Act embodies the principle that an absolute transfer

of immovable property cannot be made subject to a condition imposing an absolute restraint on alienation, except in the case of a lease. Applying the aforesaid principle, the Trial Court held that the condition contained in the gift deed restraining the defendants from dealing with the property as absolute owners was void and unenforceable. However, such invalidity did not affect the validity of the gift itself, and the gift in favour of Late Kailash Nath Agrawal continued to remain valid.

17. The Trial Court, however, decided Issue No. 12 relating to the *locus standi* of the plaintiffs in their favour. It held that the defendants had failed to establish that the plaintiffs lacked the locus to institute the suit. Accordingly, Issue No. 12 was decided in favour of the plaintiffs. In view of the aforesaid findings, the Trial Court held that the plaintiffs were not entitled to a declaration that the defendants had ceased to be Managers of the property or to a decree permanently restraining them from transferring or managing the disputed property. Accordingly, Issue Nos. 1 and 2 were decided against the plaintiffs.

18. The appellate court affirmed the findings recorded by the Trial Court. It further held that the plaintiffs had sought a decree of mandatory injunction directing the administrative authorities to take over the management of the disputed property. Since no such authority had been impleaded as a party to the suit, the suit suffered from non-joinder of necessary parties. The appellate court also held that the plaintiffs had failed to establish any legal right entitling them to seek the reliefs of declaration and injunction against the defendants. Accordingly, the judgment and decree passed by the Trial Court were affirmed and the appeal was dismissed.

<u>Arguments by Parties</u>

19. Learned counsel for the appellants submitted that the courts below committed manifest error in dismissing the suit despite recording a categorical finding that the plaintiffs had the locus standi to institute it. It was contended that Issue No. 12, relating to the plaintiffs' locus standi, was decided in favour of the plaintiffs by the Trial Court. The said finding was never reversed by the appellate court. It was further submitted that this Court, while deciding F.A.F.O. No. 3841 of 2018, had also upheld the

maintainability of the representative suit by holding that the alleged endowment was a private endowment and, therefore, the provisions of Section 92 C.P.C. were not attracted. In view of the aforesaid findings, the courts below were not justified in dismissing the suit on the ground that the plaintiffs had no right to maintain it.

20. It was next submitted that the appellate court misread the reliefs claimed in the plaint. The plaintiffs had not sought any relief of injunction against the administrative authorities. The relief of permanent injunction was sought only against the defendants restraining them from transferring or otherwise dealing with the disputed property, whereas the prayer against the administration was only for a mandatory injunction directing the competent authorities to take over the management of the property. It was contended that the appellate court erroneously held that the plaintiffs had failed to establish any right to seek a decree of injunction against the administrative authorities, although no such relief had ever been claimed against them. Consequently, the finding that the suit suffered from non-joinder of necessary parties is legally unsustainable. Learned counsel has also placed reliance upon **Ram Janmbhumi Temple Case, (2020) 1 SCC 1; Bishwanath and another vs Sri Thakur Radha Ballabhli and others, 1967 SC 1044;** and **Kt. N. Rm. Thenappa Chettiar & Ors vs N. S. Kr. Karuppan Chettiar & Ors, 1968 AIR 915**.

21. Learned counsel for the respondents supported the judgments and decrees passed by the courts below. He submitted that the plaintiffs had failed to establish the existence of any valid endowment or any legal right entitling them to seek the reliefs claimed. It was contended that the deed dated 17.08.1949 was merely a gift deed in favour of Late Kailash Nath Agrawal and that the condition restraining alienation of the property was void under the provisions of the Transfer of Property Act. It was further submitted that the dispute, if any, related to private property and that no outsider could be permitted to interfere with the proprietary rights of private individuals in the absence of any legal right in his favour. Merely because a person claims to be a devotee of a deity, he does not acquire a right to question the management or ownership of private property. Learned counsel submitted that if a person installs an idol in his private premises, every devotee cannot claim a right to worship the idol or seek

directions regarding its management. Accordingly, it was argued that the plaintiffs had no enforceable right to maintain the present suit.

Substantial Questions of Law

22. Appellants in memo of Second Appeal have framed following 14 proposed questions of law:-

i) Whether the courts below committed an error in holding that the plaintiffs-appellants had no right to maintain the suit to protect debutter property merely because the endowment created in favour of "Shri Ramchandra J" was a private religious endowment ?

) Whether any worshiper or person interested in the deity is entitled to maintain a suit for protection of debutter property in case of private religious endowment if the Manager/Shebait acts adversely to the interest of deity?

iii) Whether the courts below have committed illegally in holding that the deed of dedication dated 17.08.1949 created a private religious endowment and the disputed properties became personal properties of late Kailash Nath Agarwal and his descendants despite the express recital in the deed to the effect that donor divests all his rights and dedicating the properties to "Lord Shri Ram Chandra Ji" with a specific prohibition against alienation and diversion of income?

iv) Whether the learned lower Appellate Court committed an error in treating the plaintiff's claim for protection and preservation of the debutter properties as a claim to assume the hereditary right of management and in consequently refusing relief on the ground that the plaintiffs had failed to establish any right of management, even though no such right was claimed by them ?

v) Whether the courts below have erred in law in holding that the plaintiffs were not entitled to the relief of permanent injunction despite the settled legal positions that a manager or Shebait of a debutter property is not an absolute owner and cannot transfer or alienate or otherwise deal with the debutter properties in derogation of the express prohibition contained in the deed of dedication?

vi) Whether the learned lower Appellate Court committed an error in taking into account the alleged non-impleadment of the administration as a necessary party, despite the issue relating to non-joinder of parties having already been decided in favour of the plaintiff by the trial court and the said finding have attained finality in the absence of any appeal or cross-objection by the defendant?

vii) Whether in the absence of a party against whom a particular relief of mandatory injunction was sought could legally constitute a ground for denying the plaintiffs the independent declaratory and prohibitory reliefs claimed against the defendants?

viii) Whether, assuming the administration to be a necessary party for the grant of mandatory relief, the proper course of law was to direct impleadment under Order 1 Rule 10 C.P.C. rather than to non-suit the plaintiffs or to deny the substantive reliefs sought against the defendants ?

ix) Whether the question as to the public or private character of the endowment is legally distinct from the question of maintainability and locus standi of the plaintiffs and whether the lower appellate court erred in conflating the two and thereby refusing relief to the plaintiff despite the findings on issue no.10 and 12, framed by trial court having attained finality ?

x) Whether the judgments and decree under challenge are vitiated by non-consideration of material evidence, consideration of irrelevant factors, misreading of documentary evidence and non-consideration of binding precedents and earlier order inter parties?

xi) Whether the trial court has committed an error in holding that in the absence of installation of the idol, the properties dedicated under the deed dated 17.08.1949 stood vested in late Kailash Nath Agarwal notwithstanding the absence of any recital in the deed conferring proprietary rights upon him and despite the fact that he was merely entrusted with the management of the endowed properties?

xii) Whether the trial court has committed illegality in holding that an idol installed in a private property cannot be regarded as a juristic person and therefore, the disputed properties could not vest in Lord Shri Ramchandra Ji, contrary to the settled principles of Hindu Law recognizing even private idols as juristic person?

xiii) Whether the findings of the trial court that the properties dedicated under the deed of dedication dated 17.08.1949 would not vest in "Lord Shri Ramchandra Ji" and "Lord Shri Ramchandra Ji" cannot be regarded as juristic person are against the finding returned by Hon'ble High Court in its judgment and order dated 27.06.2022 passed in FAFO No. 3841 of 2018 which was affirmed by the Hon'ble Apex Court?

xiv) Whether the trial court has committed an illegality in applying section 10 of the Transfer of Property Act 1882 to the deed of dedication dated 17.08.1949 and in holding that the restrictions imposed therein against alienation and diversion of income are void, without first determining whether late Kailash Nath Agarwal was a transferee acquiring proprietary interest or merely a manager/Shebait entrusted with administration of the endowed properties?

Analysis and Conclusions

23. At the outset, it is to be noted that the questions proposed by the appellants as substantial questions of law do not, in fact, fall within the ambit of Section 100 of the Code of Civil Procedure. In **Sri Chunilal V. Mehta and Sons Ltd. vs. The Century Spinning and Manufacturing Company Ltd., AIR 1962 SC 1314**, the Hon’ble Supreme Court held that, to be substantial, a question of law must be debatable, not previously settled by the law of the land or by a binding precedent, and must have a material bearing on the decision of the case, insofar as the rights of the parties are concerned. The questions sought to be raised by the appellants neither require any fresh interpretation of law nor involve any unsettled legal principle. They essentially assail the appreciation of evidence and the factual conclusions concurrently recorded by the courts below on the basis of the pleadings, admissions of the parties and the evidence adduced before the Trial Court. The findings so recorded and affirmed by the appellate court are pure findings of fact. Merely because the appellants seek a different inference from the same evidence, no substantial question of law arises for consideration under Section 100 C.P.C.

24. However, since elaborate submissions have been advanced on behalf of the appellants, this Court considers it appropriate to briefly examine the principal contentions raised by him to satisfy itself whether any substantial question of law is, in fact, involved.

25. The principal contention of the appellant is founded upon the gift deed dated 17.08.1949. A perusal of the recitals of the said deed shows that Late Sri Kedar Nath Mishra gifted the disputed property in favour of Late Sri Kailash Nath Agrawal with a stipulation that an idol of Lord Sri

Ramchandra would be installed over the property. The deed further provided that Late Sri Kailash Nath Agrawal would act as the Manager of the property and neither he nor his successors would have any right to alter its title or appropriate its income for their personal use.

26. However, the plaintiffs themselves have admitted in the plaint that no idol of Lord Sri Ramchandra was ever consecrated or installed over the disputed property pursuant to the said gift deed. Thus, the very event upon which the alleged endowment was founded never came into existence. In the absence of installation and consecration of the idol, there was no juristic person in whom the property could vest or on whose behalf the present suit could be instituted.

27. In **Shiromani Gurdwara Prabandhak Committee, Amritsar vs. Shri Som Nath Dass and others, AIR 2000 SC 1421**, the Hon’ble Supreme Court held that a Hindu idol acquires the status of a juristic person only after its consecration and installation in accordance with the religious customs. Until such installation takes place, the deity cannot be treated as a legal person capable of holding property or suing through a next friend. Since the plaintiffs have themselves admitted that no idol was ever installed, the very foundation of his claim to represent the deity disappears.

28. The nature of the deed dated 17.08.1949 also does not support the appellants' case. The gift was made and accepted without any idol having been installed. No temple was ever constructed, no arrangement was made for appointment of a priest or for performance of daily worship, and no provision was incorporated for administration of a religious institution. On the contrary, the deed contemplated that the office of Manager would continue with Late Sri Kailash Nath Agrawal and thereafter with his successors, who admittedly belong to the defendants’ family. The property continued to remain in their possession, devolved upon their legal heirs, and their names were duly recorded in the revenue records. They also dealt with the property as owners for decades. The stipulation restraining the donee from alienating the property, being in the nature of an absolute restraint on alienation, is void under Sections 10 and 126 of the Transfer of Property Act and, therefore, cannot alter the legal character of the gift.

29. In **Mirza Hidayat Beg vs. Seth Behari Lal, AIR 1941 All 225,** it was held that a mere recital in a document that the property is dedicated to a deity is not by itself sufficient to constitute a valid endowment. The Court must ascertain the real intention of the executant from the document read as a whole as well as from his subsequent conduct. Where the donor does not effectively divest himself of the property and the property continues to be enjoyed by the donee and his successors as their own, the document cannot be treated as creating a religious endowment. The surrounding circumstances may disclose that the real object was merely to impose restrictions upon alienation while retaining the property within the family.

30. Applying the aforesaid principles to the present case, it is evident that the recitals in the gift deed, the admitted fact that no idol was ever installed, the absence of any arrangement for worship or religious management, the continued possession and enjoyment of the property by Late Sri Kailash Nath Agrawal and his successors, the mutation of the property in their favour, and the void nature of the restraint on alienation, unmistakably indicate that the donor never intended to create a complete religious endowment. The deed, in substance, was a private gift in favour of Late Sri Kailash Nath Agrawal. The concurrent finding recorded by the courts below to this effect is based upon the recitals of the document itself and the admitted facts on record, and does not give rise to any substantial question of law.

31. In the backdrop of the aforesaid discussions, the following facts emerge from the record:

(i) The gift deed dated 17.08.1949 merely stipulated that an idol of Lord Sri Ramchandra would be installed in future, but admittedly no idol was ever consecrated or installed.

(ii) Since no idol ever came into existence, no juristic person was created in whom the disputed property could vest.

(iii) No temple was ever constructed, no arrangement was made for appointment of a priest or for performance of regular worship, nor was any religious institution established over the disputed property.

(iv) The gift was accepted by Late Sri Kailash Nath Agrawal, who continued to possess and manage the property during his lifetime.

(v) After his demise, the property devolved upon his legal heirs, namely the defendants, whose names came to be recorded in the revenue records and who continued to deal with the property as owners.

(vi) The stipulation contained in the gift deed restraining the donee and his successors from alienating the property is void under the provisions of the Transfer of Property Act and does not affect the validity of the gift itself.

(vii) The subsequent conduct of the parties unmistakably demonstrates that the donor had not intended to create a complete religious endowment but had merely executed a private gift in favour of Late Sri Kailash Nath Agrawal.

32. In view of the aforesaid undisputed facts, this Court finds that the plaintiffs had no legal right or enforceable interest in the disputed property so as to challenge the rights of the defendants. The entire claim of the plaintiffs was founded upon the alleged existence of an endowment in favour of Lord Sri Ramchandra. Once it stands established that no idol was ever installed and no juristic person ever came into existence, the very foundation of the suit disappears. Consequently, the plaintiffs had no locus standi to seek a declaration divesting the defendants of their rights over the property or to seek consequential reliefs of injunction.

33. The learned Trial Court, though rightly deciding Issue Nos. 1 and 2 against the plaintiffs, fell into error while deciding Issue No. 12 in his favour. The findings recorded on Issue Nos. 1 and 2 themselves clearly establish that the plaintiffs had no legal right to question the title, possession or management of the property, which had lawfully devolved upon the defendants. Once the courts found that no valid endowment had come into existence and that the defendants had acquired valid rights in the property, it necessarily followed that the plaintiffs lacked the locus standi to maintain the suit. The finding on Issue No. 12, therefore, is inconsistent with the other findings recorded by the Trial Court and cannot be sustained.

34. The reliance placed by the appellants upon the judgment of this Court in F.A.F.O. No. 3841 of 2018 is also misconceived. The said judgment was rendered while examining the legality of an order passed under Order VII Rule 11 C.P.C. At that stage, the Court was required to confine itself to the averments made in the plaint and not to adjudicate upon the correctness of those averments. The observations made therein regarding the maintainability of the representative suit were only for the limited purpose of deciding whether the plaint was liable to be rejected at the threshold. They neither finally determined the nature of the deed dated 17.08.1949 nor conferred any substantive locus standi or vested any cause of action in favour of the plaintiffs. Therefore, the judgment rendered in F.A.F.O. No. 3841 of 2018 does not advance the case of the appellants in light of the foregoing discussion.

35. The finding recorded by the appellate court that the administrative authorities were necessary parties to the suit also merits acceptance. The plaintiffs had specifically sought a decree of mandatory injunction directing the administration to take over the disputed property and its management. Such a relief could not have been granted in the absence of the authorities against whom the direction was sought. Any mandatory injunction operates in *personam* and cannot be issued against a person or authority who is not before the Court. Therefore, the appellate court rightly held that no effective decree of mandatory injunction could have been passed without impleading the concerned administrative authorities as parties to the suit.

36. Apart from the above, the plaintiffs neither pleaded nor claimed any independent right to worship the deity. In fact, the admitted case of the plaintiffs is that no idol of Lord Sri Ramchandra was ever installed pursuant to the deed dated 17.08.1949. Thus, the suit was not one seeking enforcement of any right of worship. Once it has been concurrently held that the disputed property remained private property and no valid endowment ever came into existence, the plaintiffs had no legal interest in the property. They were the complete stranger to the title, possession and management of the disputed property and, therefore, had no locus to seek declaration, permanent injunction or mandatory injunction in respect thereof. Their claim was founded solely on their devotion towards Lord

Sri Ramchandra, which, by itself, does not confer any enforceable civil right to question the ownership or management of private property. The judgments of **Ram Janmbhumi Temple Case, (2020) 1 SCC 1, Bishwanath and another vs Sri Thakur Radha Ballabhli and others, 1967 SC 1044** and **Kt. N. Rm. Thenappa Chettiar & Ors vs N. S. Kr. Karuppan Chettiar & Ors, 1968 AIR 915** cited by appellants have not laid any law contrary to what has been discussed earlier. Hence, those judgments are of no help for appellants. After a full-fledged trial and appreciation of the documentary and oral evidence, the courts below rightly examined the true nature of the transaction and the legal consequences flowing therefrom.

37. In view of the foregoing discussions, this Court is of the opinion that the impugned judgments do not suffer from any infirmity.

38. This second appeal is, accordingly, **dismissed** and both impugned orders are upheld.

(Anil Kumar-X,J.)

July 28, 2026
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