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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS (OS) 240/2023**

KAMLESH SHARMA Plaintiff

Through:

Versus

NEETA BHARDWAJ & ORS. Defendant

Through:

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **22.09.2026**

Appearances:

Mr. R. K. Bhardwaj, Adv.

Mr. Neeraj Bhardwaj, Adv.

Mr Rohit K Naagpal, Mr Manikaran Sharma, Mr Deepak Narayan Sain,

Ms Nisha Thakur, Mr Sachin Kumar, Advs. for D-6 to 8.

CM APPL. 40354/2026 (u/O XXXIX Rules 1 and 2 CPC)

1. This is an application filed in **FAO 36/2021** which has been transferred to the present suit *vide* a separate order passed today in **FAO 36/2021**, in view of the order passed by the Supreme Court dated 21st September, 2026 in **SLP (C) No. 17213/2026** titled **Kalkaji Mandir Vikreta Sangathan– II & Ors. v. Piyush Joshi & Ors.**

2. The application has been filed under Order XXXIX Rule 1 and 2 CPC on behalf of four persons i.e., Mr. Ramesh, Mr. Rakesh, Mr. Ashok @ Kalu and Ms. Pushpa @ Pushplata.

3. It is their case that they are the legal heirs and rightful *baridaars* of Late Mr. Kali Charan.

4. Mr. Ramesh & Mr. Rakesh are the sons of Late Smt. Premlata, who



was the biological daughter of Late Mr. Kali Charan. Mr. Ashok is the son of Smt. Shanti Devi, who is the biological daughter of Late Mr. Kali Charan and Smt. Pushplata is also the biological daughter of Late Mr. Kali Charan.

5. The main issue for consideration in this suit is whether the Defendants have any rights to perform pooja sewa at the Kalkaji Mandir, being the female heirs of Late Mr. Kali Charan.

6. This Court has perused the previous orders dated 15th September, 2021 and the subsequent order dated 15th March, 2022 passed in **FAO 36/2021** and has also heard Id. Counsels for the parties. Relevant portions of the previous orders dated 15th September, 2021 and 15th March, 2022 are extracted below:

Order dated 15th September, 2021 passed in FAO 36/2021-

“10. Since the question of the shares of Smt. Prem Lata, Smt. Shanti Devi, Smt. Kapoori Devi as also Smt. Pushplata was not gone into by the trial court, at this stage, without further documents on record and the said parties joining the proceedings and confirming the fact that they support the case of Smt. Kamlesh Sharma, this Court cannot pass any orders in respect of their shares. However, insofar as the Plaintiff and the Defendant are concerned, since the trial court has held that the Plaintiff- Smt. Kamlesh Sharma is entitled to a 1/6th share of late Shri Kali Charan’s share in the bari, issues have arisen for consideration of this Court in view of the forthcoming bari which commences from tomorrow i.e., the midnight of 16th/17th September 2021, and ending on 15th/16th October 2021,

11. In view of the averments made by the parties, as also the order passed by this Court on 5th February 2021, for this specific period i.e., from 16th/17th September 2021 – 15th /16th October 2021, during which the navratras are also being celebrated at the Kalkaji Mandir, with the consent of the parties, the



following directions are issued:

i. Smt. Kamlesh Sharma may appoint any male representative for conducting puja sewa, on her behalf. The remaining daughters of late Shri Kali Charan - Smt. Prem Lata, Smt. Shanti Devi, Smt. Kapoori Devi and Smt. Pushplata, or their legal heirs, as the case may be, would also be entitled to appoint their respective male representatives for conducting puja sewa on their behalf. The legal heirs of late Shri Ajay Sharma - the Defendant, shall also be entitled to conduct puja sewa;

ii. For the time being, the share of late Shri Kali Charan, shall be divided amongst the legal heirs of late Shri Ajay Sharma, Smt. Kamlesh Sharma, Smt. Pushplata and the legal heirs of Smt. Prem Lata, Smt. Shanti Devi & Smt. Kapoori Devi as 1/6th each. At this stage however, since it is not clear whether all the other daughters/their heirs except the Plaintiff and defendant are represented before this Court and as to what is their stand, the amounts collected in the Mandir shall not be distributed to all of them.

iii. All the amounts collected by way of offerings, donations, etc., shall all be collected in the locker, in the pujari's room, i.e., the kuthiyar. The same shall be divided between the Plaintiff- Smt. Kamlesh Sharma and the Defendants – legal heirs of Shri Ajay Sharma, in the share of 1/6th each side and the remaining 4/6th share of the other four daughters i.e., Smt. Prem Lata, Smt. Shanti Devi, Smt. Kapoori Devi and Smt. Pushplata shall be deposited with the Registrar General of this court, in the presence of the Local Commissioner, Ms. Manmeet Arora.;



iv. *The Local Commissioner- Ms. Manmeet Arora, shall visit the Mandir for dividing the offerings amongst the parties, as held above, every Monday, during the entire period of the bari, at around 5:30 P.M. The fee of the Local Commissioner is fixed at Rs. 50,000/- per visit to the Kalkaji Mandir. The said fee shall be paid by both the Plaintiff and the Defendant shared equally.*

v. *Insofar as the distribution of the articles/items which are received in kind are concerned, 1/6th share each, in respect thereof, shall be distributed in the presence of the LC to the Plaintiff and the Defendant. Insofar as the remaining 4/6th share is concerned, some monetary value shall be attributed to it and the same shall be deposited with the Registrar General of this Court.*

vi. *The disbursal of the shares and monies, as also articles/items, in favour of the Plaintiff and the Defendant, in pursuance of the present directions, would be subject to any further orders that may be passed by this Court.”*

Order dated 15th March, 2022 passed in FAO 36/2021-

33. While the legal issues which arise in the present suits are pending for consideration, there is no reason to depart from the settled precedents as per the previous orders, wherein the share of the female heirs has been directed to be deposited with the Registrar General of this Court, and thereafter, released to the Applicants.

34. Accordingly, following the rationale and reasoning as contained in the previous orders extracted above, wherein the Court had categorically held that female heirs would be



entitled to the benefit of the rights in the offerings in the Kalkaji Mandir, at the interim stage, the following directions are issued:

i. The shares of Smt. Usha Kiran (1/7th share of 25% undivided share) Smt. Poonam Sharma and Smt. Neetu Sharma (1/3rd share of 1/7th each) shall be deposited by Defendant Nos. 7 to 11 before this Court.

ii. A complete account of the baris which have already transpired during the pendency of these applications shall also be given by the Defendant Nos. 7 to 11 within four weeks.

iii. Deposit shall be made in respect of the current bari which has commenced yesterday i.e., 14th March, 2022 till 11th April, 2022. The amount shall be deposited, on or before 30th April, 2022, and the orders for the release of the said amounts shall be passed on the next date, along with the accounts.

OR

Alternatively, the Defendant Nos. 14, 15 and 16 are permitted to nominate any male member of the family in order to conduct the puja sewa as per the customs and traditions and to collect their share of the offerings on a daily basis, as done by the other baridars. This position shall continue for all the baris during the pendency of the suit.”

7. At the first stage, an objection was raised by Mr. Bhardwaj, Id. Counsel, regarding Mr. Nagpal, Id. Counsel representing the Applicants, as he was earlier representing the Plaintiff before the Id. Trial Court.

8. Since the *baari* is stated to have already commenced, this issue is left open at this stage.

9. All the parties consent that for the time being, though the female legal heirs cannot perform pooja sewa at the Kalkaji Mandir, they would be entitled to the benefits of the rights of the offerings in the Kalkaji Mandir.



10. Thus, in terms of the practice followed in the previous *baaris*, all the four applicants are permitted to perform the pooja sewa by appointing any male representatives from within the family itself.

11. The amounts collected by the offerings/donations, shall be divided between the Plaintiff – Smt. Kamlesh Sharma and the Defendants– legal heirs of Sh. Ajay Sharma, in the share of 1/6th each. The remaining 4/6th share of the daughters of Late Sh, Kali Charan namely Smt. Prem Lata, Smt. Shanti Devi, Smt. Kapoori Devi and Smt. Pushplata shall be deposited with the Worthy Registrar General of this Court.

12. The persons who are appointed by any of the parties for conducting of pooja sewa shall not, in any manner, cause any disturbance to the other family members who have to perform the pooja sewa.

13. This order shall apply to this *baari* commencing from 21st September, 2026 till 20th October, 2026.

14. ***CM APPL. 40354/2026*** is disposed of in these terms.

I.A.26230/2026 (u/O XXXIX Rules 1 & 2 CPC)

15. In view of the order passed in ***CM APPL. 40354/2026***, the present application has become infructuous and is accordingly disposed of.

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16. List on the date fixed i.e., 16th October, 2026.

PRATHIBA M. SINGH, J.

SEPTEMBER 22, 2026

Rahul/ss