Applications No. **132Ga2, 114Ka2, 56Ga2** and **72Ga2**
Reserved On: 13.10.2026.
Delivered On: 20.11.2026.

HIGH COURT OF JUDICATURE AT ALLAHABAD

ORIGINAL SUIT No. - 7 of 2023

Shri Bhagwan Shrikrishna Lala Virajman and 4 others

…..Plaintiff(s)

Versus

U.P. Sunni Central Waqf Board 3A and 3 others

…..Defendant(s)

Counsel for Plaintiff(s)	:	Ajay Pratap Singh, Akash Balmik, Amit Kumar, Anil Kumar Singh, Anil Kumar Singh Bishen, Damodar Singh, Devendra Vikram Singh, Leena Srivastava, Mahendra Pal Singh Gaur, Manish Kumar, Naman Kishor Sharma, R.u. Rinki Renu, Rana Singh, Sachin Singh, Satya Pal, Suman Srivastava, Sunil Singh, Vivekanand Yadav
Counsel for Defendant(s)	:	Afjal Ahmad, Azim Ahmad Kazmi, Hare Ram, Nasiruzzaman, Pranav Ojha, Punit Kumar Gupta

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Court No. - 69

HON'BLE AVNISH SAXENA, J.

While taking up all the matters pertaining to Sri Krishna Janm Bhoomi, which are 18 in number, 4 applications in the present Original Suit were heard and order was reserved on 13.10.2026, whereas the applications which were decided in the above suits have already dealt with in order dated 13.10.2026. The name of learned counsels, who were put in appearance and argued for and against the applications has already been mentioned in the above mentioned order, hence need not to reiterate. The applications, which were reserved for orders are **132Ga2, 114Ka2, 56Ga2** and **72Ga2**. These applications are dealt with one by one.

Disposal of application no. 132Ga2

1. This application under Section 151 CPC has been moved by plaintiffs no. 2 to 5 for recall of order dated 26.9.2025, passed by my brother (Justice Ram Manohar Narayan Mishra,J), whereby the application under Section 151 CPC moved by the plaintiffs no. 2 to 5 for deleting the name of next friend ‘Sri Kaushal Kishore Thakur Ji @ Kaushal Singh Tomar’, who appeared for plaintiff no.1 Sri Bhagwan Sri Krishna Lala Virajman, a deity, has been dismissed.

2. The sole ground taken by plaintiffs no.2 to 5 to recall the said order is, placing two fabricated rulings of Supreme Court by the learned counsel for plaintiff no.1 before this Court. It is vehemently argued and the attentions of the Court was drawn to paragraphs no.21 and 24 of the reply to application moved by plaintiffs no.2 to 5 under Order 32 Rule 9 read with Section 151 CPC, wherein these fabricated judgments have not only been cited but have also been explained. These judgments and their citations are **“Bal Krishna Vs. State of Maharashtra, AIR 1965 SC 153 and K.K. Verma Vs. Union of India, AIR 1970 SC 1082”** The learned counsel further drawn attention of this Court towards paragraph 10 of the order under recall, which provides that the Court while deciding the application has given thoughtful consideration to the submission made by learned counsel for the parties. This was merely to show that the decision of the Court followed on the basis of fabricated judgments and therefore, the order need to be recalled. Learned counsel further argued that fraud and justice never dwell together, as such, the order which is based on fabricated judgment, required to be recalled for fresh consideration.

3. The learned counsel appeared for plaintiff no.1 opposed the application for recall on the ground that the Court while passing the order under recall has not taken to consideration the principles, which were stated based on those judgments with incorrect citations. Further submits that re-agitating the same issue, which has already been decided create unnecessary controversy and delayed the judicial proceedings, hence, submits that the application for recall is liable to be dismissed.

4. Considered the rival submission and perused the record.

5. The controversy in the subjected matter is not between plaintiff and defendant, but between two set of plaintiffs. The first set is plaintiff no.1, who is Sri Bhagwan Sri Krishna Lala Virajman, being a deity represented by Kaushal Kishore Thakur Ji @ Kaushal Singh Tomar and the second set of plaintiff is Yogeshwar Sri Krishna Janamsthan Seva Sangh Trust represented through Ajay Pratap Singh, Advocate, who is plaintiff in the present suit in two capacity, as plaintiff no.2 and plaintiff no.5. Now, he also wants to be a next friend of plaintiff no.1, transposing Kaushal Kishore Thakur Ji.

Order I Rule 1 CPC provides the way when persons may join in one suit as plaintiffs and Rule 2 of Order I provide the power of Court to order separate trial, where it appears to the Court that any joinder of plaintiffs may embarrass or delay the trial of the suit. It is apparent from the record that the plaintiffs have jointly instituted the suit with the prayer of declaration that the plaintiffs be declared as owners of suit property, which is claimed to be the birth place of Lord Sri Krishna and further relief of injunction. The present suit and other connected suits have been instituted to reclaim the property of Lord Sri Krishna, being a deity for the claim of properties. Lord Sri Krishna is being represented by various stakeholders in all the suits and plaintiffs no.1 and 2 forms the two juristic entities. Order XXXII Rule 1, which is applicable to minors is also applicable in the case of deity, which provides that the suit by minor shall be instituted in his name by a person, who in such suit shall be called as the next friend of the minor. In absence of the same, the plaint is to be taken off the file. Order XXXII Rule 4 and 5 provides for the conditions for the persons to act as a next friend of minor. It is provided in explicit words that a person, who has a conflicting interest with the minor cannot be his next friend. Whereas, Rule 9 of Order XXXII provides for removal of next friend, if the grounds provided in the Rule is satisfied.

6. While going through the order under recall, I found that the two case laws cited by the learned counsel for the plaintiff no.1 is merely the reiterating of the arguments of the learned counsel, in the order. In my opinion the citing of fabricated judgment may amount to professional misconduct, but it does not invalidate the judicial decision, if it is otherwise based on sound legal principle and not on the principles based on fabricated judgment. Hence, paragraph 8 of the order is reiterated underneath:-

> "8. Multiple plaintiffs may maintain separate suits in respect of the same subject matter if their cause of action and relief are distinct. The principles laid down by Hon'ble Apex Court in Bal Krishna v. State of Maharashtra AIR 1965 SC 153 and K.K. Verma v. Union of India, AIR 1970 SC 1082 reflect the principle that the juridical personality, proprietary rights and spiritual sanctity of the deity are fully protected while allowing multiple plaintiffs with distinct causes of action, provided that such proceedings do not disturb validly instituted representation through revised next friend or shebait. Consultation or parallel filing is permissible but substitution of representation of deity is impermissible under law. The continuity of representation of deity is essential to safeguard the proprietary and spiritual rights of the deity and, therefore, in the garb of of deletion and interference in the form of substitution would violate settled legal principles and jurisprudence regarding the protection of deity as a juristic person. The rights of deity, who is a perpetual minor, can be only protected through next friend. The deity's representation through Shri Kaushal Kishore Thakur Ji is valid and cannot be substituted, deleted or altered by newly created Trust, parallel bodies, or rival plaintiffs."

7. The order under recall is based on the discussions of Order XXXII Rules 1, 3, 3A, 4, 9 and 10. The discussions in paragraphs 11 to 17 of the order clearly show that the fabricated case laws or the principle shown in those case laws have not been taken to consideration by the Court. As such, the ground taken by plaintiffs no.2 to 5 for recall of order dated 26.9.2025 is misconceived, having no ground to recall, which is otherwise based on sound legal principle.

8. Hence, the **application no. 132Ga2** is **dismissed**. The objection is accordingly **disposed of**.

Disposal of application no. 114Ka2

1. This application has been moved by plaintiff no.1, ShriBhagwan Krishna Lala Virajman Janmsthan with following prayers:-

> "a. To, kindly implead the Direct Descendants of Thakur Keshav Dev Ji, Jadaun Clan & others as parties in the main suit through their Next Friend Saint and Bhagwat Katha Vachak Shri Kaushal Kishore Thakur Ji.
>
> b. To, kindly recognize Shri Kaushal Kishore Thakur Ji as the Next Friend and lawful custodian authorized to represent the deity and its descendants in all judicial and religious matters.
>
> c. To, kindly allow the application for impleadment and allowing the applicant to be arrayed as a party petitioner to Original Suit No 7 of 2023.
>
> d. Pass such order or orders as may be deemed fit and proper in the facts and circumstances of the instant case."

2. By means of the present application, learned counsel for the plaintiff no.1 seeks to implead the direct descendants of Thakur Keshav Dev Ji, Jadaun Clan and other parties in the main suit through their next friend, who is Sri Kaushal Kishore Thakur Ji.

3. While disposing of application no.132Ga2, herein above, all the aspects including the legal provisions of deity being represented by the next friend has been discussed, therefore, need not to be reiterated. Kaushal Kishore Thakur Ji, is already appearing in the suit being next friend of plaintiff no.1, what gainful purpose would be served impleading direct descendants of Thakur Keshav Dev Ji, Jadaun Clan and others is not properly disclosed. It is the interest of the plaintiff in the suit, who is a deity, which is the point of concern in respect to the cause of action and the relief sought. There is nothing in the application or in the arguments of learned counsel to show the gainful purpose for which other plaintiffs be included in the suit. I have already discussed about the joinder of parties as plaintiff in view of the provisions of Order I Rule 1 and Rule 2 CPC.

4. Therefore, I am of the view that the application for impleadment moved by plaintiff no.1 is merely to delay the trial of the suit, which is already pending since the year 2023 and is still at the nascent stage.

5. Hence, the **application no. 114Ka2** is devoid of merit and is **dismissed.** The **objection no. 120 Ga** is accordingly **disposed of.**

Disposal of application no. 56Ga2

1. This application has been moved by plaintiff under Order XXIII Rule 3 read with Section 151 CPC for declaring the compromise agreement dated 12.10.1968 as null and void, which was entered between the parties to the suit in Civil Suit No. 43 of 1967. The relief sought is reiterated underneath:-

> "i. To, kindly allow this application to advance substantial justice to the Deity whose property is encroached.
>
> ii. To, kindly allow this application as no prejudice is caused to the other party.
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> iii. To, kindly pass an order declaring the Compromise Agreement dated 12.10.1968 as null and void.
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> iv. To, kindly pass an order cancelling the decree dated 20.07.1973 passed in Civil Suit No. 43 of 1967 by Ld. Civil Judge, Mathura.
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> v. To, kindly pass an order cancelling the decree dated 07.11.1974 passed in Civil Suit No. 43 of 1967 by Ld. Civil Judge.
>
> vi. To, kindly pass an order to handover the vacant, peaceful, physical possession of the premises Khasra No. 255, Deeg Gate, Mathura to the situated and existing visible and invisible Bhagwan Shri Krishna Lala Virajman at the premises since time immemorial.
>
> vii. That the, Hon'ble Court may pass any other decree for which Plaintiffs are found entitled to or which may be necessary to be passed in the interest of justice.
>
> viii. To, kindly pass any other order which this Hon'ble Court may deem fit and proper under the facts and circumstances of this case in favour of the plaintiff.
>
> ix. Award the costs of the suit."

2. The present suit is one of the 18 suits, some of them are consolidated. As the cause of action, the relief sought is pertaining to the same suit property in all the suits and in some of the suit, the above relief is the main relief, therefore, the relief by way of application under disposal cannot be adjudicated without a trial. The application is misconceived and liable to be dismissed.

3. There is no point in reiterating the arguments of the parties on this application. The same is devoid of merit and hence, **dismissed** without effecting the merit of other suits, as the application is not taken up on its merit.

Disposal of application no. 72Ga2

1. This application has been moved by plaintiffs no.2 to 5 for modification of order dated 1.8.2024 passed by my brother (Justice Mayank Kumar Jain,J.), whereby the application of defendant moved under Order VII Rule 11 CPC in 15 suits have been rejected. It is an order runs in 154 pages containing the name of Sri Ajay Pratap Singh, Advocate along with other advocates (the particular name is mentioned as the modification of the order is also related to the name of learned counsel). It is the modification in the garb of seeking correction of order. In particular five paragraphs of the order are required to be modified. The application also contain the paragraphs, which are to be added in paragraphs 13 and 16, whereas, in three paragraphs, which are paragraphs no.97, 101 and 103, it is prayed that the name of Sri Ajay Pratap Singh, be mentioned in the order at the specified places.

2. Paragraph 13 of the order is divided in 44 sub paragraphs (i-xliv). By means of paragraph 13, the Court has mentioned that to decide the maintainability of suit under Order VII Rule 11 CPC, it would be germane to summarize the facts set out by the plaintiffs in their respective plaints. These sub-paragraphs contained plaint averments. The learned counsel has made specific paragraphs in his modification application and numbered it as ‘xlv to xlviii’. This shows that the learned counsel seeking amendment of the order in his own words. These paragraphs, which are sought to be added in the order need not to reiterate.

3. In the same way in paragraph 16 of the order this Court has detailed about the documents filed along with the respective plaints by the plaintiffs wherein paragraph 16(i) shows that a generalized statement has been made in the order about the information obtained in RTI Act,

2005. The learned counsel by way of modification has again over reached and suggested in cooperation of three sub-paragraphs from ‘j to l’ in paragraph 16 of the order. Need not to reiterate.

4. The application is silent as to the requirement of these modifications in the order passed by this Court. Section 152 CPC provide with the power to amend the judgment, decree or order, having clerical or arithmetical mistake which occurred due to accidental slip or omission. The provisions is reiterated underneath:-

> “152. Amendment of judgments, decrees or orders.—Clerical or arithmetical mistakes in judgments, decrees or orders or errors arising therein from any accidental slip or omission may at any time be corrected by the Court either of its own motion or on the application of any of the parties.”

5. The modifications sought in the order dated 1.8.2024 are neither clerical nor arithmetical mistakes. It also do not come within the category of accidental slip or omission. So far as mentioning of the name of learned counsel is concerned in particular paragraphs also does not reflect that it was any accidental slip or omission. The name of arguing counsel is already mentioned in the order including the name of learned counsel, which need not be specifically mentioned in the concerned paragraphs.

6. The application of modification is highly misconceived without any rational basis and has been moved with the clear objective of supplementing the order, as is reflected from the application. Hence, the **application no. 72Ga2** is **dismissed.**

(Avnish Saxena,J.)

November 20, 2026
Krishna*

Digitally signed by :-
KRISHNA KUMAR
High Court of Judicature at Allahabad