

**(1923) 01 AHC CK 0032**  
**In the Allahabad High Court**

Sheo Ramji and Others

APPELLANT

Vs

Sri Ridhnath Mahadeoji and Another

RESPONDENT

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**Date of Decision :** 11-01-1923

**Acts Referred:**

**Citation :** AIR 1923 All 282 : 71 Ind. Cas. 480

**Hon'ble Judges :** Ryves, J;Daniels, J

**Bench :** Division Bench

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### **Judgement**

1. This appeal arises out of a suit brought in the name of an idol through Vivakanand 4 as next friend to recover property belonging to the idol which had been wrongfully sold by a relative of the original Mahant Ajudhia Pari. The suit has been decreed by both the Courts below. The defendant-appellant does not assert that his vendor had any right to dispose of the property, which admittedly belonged to the idol; but he attacks the decree on the technical ground that Vivakanand was not authorised to sue on behalf of the idol. Other pleas taken in the grounds of appeal were not urged. The endowment is a recent one and there is no rule of succession laid down in the deed establishing it. The original manager of the property was one Ajudhia Puri who is dead. Two persons, Ram Kishun Das and Baijnath Tewari, were appointed to supervise the management. Ajudhia Puri's chela and successor is a minor and Ram Kishun Das in virtue of the powers of his supervision has, rightly or wrongly, appointed Vivakanand guardian of the property on the minor's behalf. Vivakanand is in possession of the title-deeds and has no interest adverse to the idol. It is important to note that this is not a suit brought by Vivakanand in the capacity of a trustee or Shebait. The real plaintiff is the idol, and, as was pointed out in the Full Bench case of Jodhi Rai v. Basdeo Parshad 11 Ind. Cas. 47 : 33 A. 735 : 8 A.L.J. 317 , a person suing on behalf of the idol is not personally interested in the suit any more than is the next friend or guardian of a minor. In our opinion Vivakanand has a sufficient interest in the subject-matter of the suit to be entitled to bring the suit in the name and on behalf of the idol. We accordingly dismiss the appeal with costs on the higher scale.