
(1923) 01 AHC CK 0043
In the Allahabad High Court

Sri Ridhnath Mahadeoji and Another	Vs	APPELLANT
Sheo Ramji and Others		RESPONDENT

Date of Decision : 11-01-1923

Acts Referred:

Citation : (1923) ILR (All) 319

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

Bench : Division Bench

Final Decision : Dismissed

Judgement

Ryves and Daniels, JJ.—This appeal arises out of a suit brought in the name of an idol, through Vivekanand as next friend, to recover property belonging to the idol which had been wrongfully sold by a relative of the original Mahant Ajudhia Puri. 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 Vivekanand was not authorized 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 Kishan Das and Baijnath Tewari, were appointed to supervise the management. Ajudhia Puri's chela and successor is a minor and Ram Kishan Das, in virtue of his powers of supervision, has, rightly or wrongly, appointed Vivekanand guardian of the property on the minor's behalf. Vivekanand 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 Vivekanand 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 Bai v. Basdeo Prasad ILR (1911) All. 735, 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 Vivekanand 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.