



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 12233/2025

1. Suchitra Betiji W/o Shri Vidhubhushan Sharma, D/o Late Shri Brijesh Kumar Goswami, Aged About 63 Years, Resident Of Sevakunj Haveli, 21 Patel Society, C.g. Road, Gulbai Tekra, Ahmedabad, Gujarat.
2. Bhawna Betiji W/o Pranav Kumar, D/o Late Shri Brijesh Kumar Goswami, Aged About 61 Years, Resident Of Nandaalay Haveli, 53, Niharika Society, Himmatlal Park, Ambabari, Ahmedabad, Gujarat.

----Petitioners

Versus

1. Vagish Kumar S/o Late Shri Brijesh Kumar, Aged About 60 Years, Resident Of Sundar Prasad Palace, Dwarkadhish Mandir, Kankroli, District Rajsamand, Presently Residing At Mandir, Kevda Bagh, Madan Jhaampa Road, Vadodara, Gujarat.
2. Mukesh Bhai S/o Shri Govind Das, Resident Of Ahmedabad In Capacity Of Trustee Of Pushti Margiya Tritiya Peeth Trust, Kankroli, Rajasthan, Shri Dwarkadhish Temple Kankroli, Main Trust Office Shri Dwarkadhish Temple, Kankroli, District Rajsamand.

----Respondents

For Petitioner(s)	:	Mr. Vikas Balia, Sr. Adv. assisted by Ms. Akshiti Singhvi.
For Respondent(s)	:	Mr. B.S.Sandhu Mr. Divik Mathur Mr. Rishabh Khandelwal. Mr. Dhruv Tiwari. Mr. Chirag Kelani

HON'BLE MR. JUSTICE ARUN MONGA
Order (Oral)

10/07/2025

1. Petitioners herein (plaintiffs in the pending civil suit) are sisters and are on logger heads with their real brother (respondent no.1), *inter-alia*, seek quashing of two orders i.e. dated 24.02.2025 (Annex.12), vide which learned trial court dismissed their application under Order 39 Rule 1 & 2 CPC for temporary



injunction; and another dated 15.03.2025 (Annex.15), vide which the appeal filed against the same was also dismissed.

2. The pending civil suit, inter alia, is for resolution of the inter se rights over the Dwarkadhish Haveli in Nathdwara among the children and Class-I legal heirs of the late Shri Brijesh Kumar Goswami, who died intestate on 27.02.2023. The property came into his possession through a 1966 family partition deed, reaffirmed by a 2014 compromise decree. The petitioners claim joint ownership as legal heirs and emphasize that the Haveli has traditionally served as a residence for Acharyas of the Pushtimargiya Tiritiya Peeth, in line with Vallabh Sect customs that allow only the consecration of Shri Nathji within Nathdwara.

3. Case set up by the petitioners is that a dispute arose when the respondents attempted to consecrate the idol of Shri Dwarkadhish Prabhu in the jointly owned Dwarkadhish Haveli on 26.02.2025 without the petitioners' consent, claiming it belongs to the Pushtimargiya Tiritiya Peeth Trust. The petitioners opposed this on grounds of joint ownership, religious impropriety, and violation of Vallabh Sect traditions. Despite objections and a legal notice, a brief consecration took place but was later withdrawn due to opposition. Both the Trial Court and Appellate Court denied interim relief, finding no prima facie case. The petitioners now seek interim protection through instant writ petition, alleging fresh attempts by the respondents to install the idol and alter the residential character of the Haveli.

4. Matter was earlier heard by this court on 02.07.2025, when following order was passed:-

“Learned counsel for the petitioners, inter-alia, contends that the respondents are trustees of Pushti Margiya Tritiya Peeth Trust



and without any documentary proof, whatsoever, either in the nature of any title deed or any transfer deed or any revenue entry in their favour qua the property in question, which is undisputedly owned by their deceased father, they are staking their claim on the ostensible ground that during his life time, the same was given to the trust.

Other than the said oral assertion, she would contend that there is nothing to show that the trust has any stake in the title of the property. Notwithstanding, the learned trial court has dismissed the application filed under Order 39 Rule 1 & 2 CPC by the petitioners seeking to restrain the trustees from interfering in the property rights of the petitioners, who are daughters of the recorded owner of the property.

Issue notice, returnable on 10.09.2025.

Liberty is granted to serve through their learned counsel representing them before the learned trial court.

Meanwhile, the respondents are restrained from interfering in any manner in the property rights of the petitioners, including using the property in question as a temple.”

5. Apropos, upon being served, the respondents have filed an application seeking vacation of the interim order dated 02.07.2025. It is, inter alia, stated in the application that the writ petition is misconceived and misleading, filed by concealing crucial facts to obtain an interim order from the court. The idol had already been reinstalled on 21.06.2025, few days prior to the petition filed on 26.06.2025, yet the petitioner falsely claimed that installation would alter the property's nature. Even the Rath Yatra Festival was held on 28.06.2025, confirming the idol's reinstallation, supported by photographs submitted with application.

5.1. It is also alleged that the petitioners concealed a registered Will and a relinquishment deed, executed by them and witnessed by their husbands, relinquishing all claims to ancestral property, which they have never challenged. The property is a public temple of Dwarkadheesh Prabhu, not a private residence, as shown by official site plans, photographs, and inscriptions indicating public



construction by devotees. The property is part of a registered Trust created by the petitioners' father and falls under the Rajasthan Public Trust Act, 1959, whereby civil court jurisdiction is barred under Section 73.

6. Pursuant to the application of the respondents, matter was earlier listed on 08.07.2025, when after hearing part arguments, it was deferred at joint request of learned counsel for the parties.

7. In the interregnum, considering that the petitioners and Respondent No.1 are siblings (two sisters and their brother), and with a view to preserve familial harmony, avoiding hostility, and dispelling any perception of adversarial intent, this Court had also expressed the desire that the parties shall make an earnest effort to arrive at a mutually acceptable arrangement regarding the use of the suit property during the pendency of the trial.

8. On resumed hearing today, it transpires that despite sincere efforts by the learned counsels and the parties themselves to explore a middle path acceptable to all, no fruitful resolution has materialised.

9. In the aforesaid backdrop, I have heard the rival contentions, which are on the lines of stand taken in the respective pleadings, as already noted above, and gone through the case file along with the documents appended therewith.

10. Given that the *inter-se* rights between the parties qua the suit property are sub-judice before the learned trial Court, at this stage, it is deemed appropriate to direct that the usage of the suit property shall be open to both the parties i.e. petitioners as well as respondents during pendency of the trial. However, such



permissive usage, by virtue of this order, shall not confer any equity or irreversible right on either-side.

11. It is made clear that any public access for the purpose of paying obeisance to the deity installed on the ground floor shall remain strictly limited to that floor alone. A copy of this interim order shall be prominently displayed at the entrance of the ground floor. This temporary allowance for public access shall neither be construed as altering the nature or character of the property into a trust property, public property, or temple, nor shall it confer any legal rights upon the public. The question of title and ownership shall remain subject to the final determination in the pending suit, and this interim arrangement shall abide by the outcome thereof.

12. Petition stands disposed of accordingly.

13. All pending applications also stand disposed of.

(ARUN MONGA),J

420-DhananjayS/Rmathur/-

Whether fit for reporting: Yes