

Court No. - 9

Case :- CIVIL REVISION DEFECTIVE No. - 1 of 2025

Revisionist :- Committee Of Management, Jami Masjid Sambhal
Ahmed Marg Kot Sambhal

Opposite Party :- Hari Shankar Jain And 12 Others

Counsel for Revisionist :- Syed Ahmed Faizan, Sr.
Advocate, Zaheer Asghar

Counsel for Opposite Party :- A.S.G.I., C.S.C., Prabhash Pandey

Hon'ble Rohit Ranjan Agarwal, J.

[Order on Exemption Application]

1. Heard Sri S.F.A. Naqvi, learned Senior Advocate, assisted by Sri Syed Ahmed Faizan, learned counsel for the revisionist.
2. Exemption application is allowed.
3. Office to allot regular number to present revision during the course of the day.

[Order on Revision]

1. This revision under Section 115 of Code of Civil Procedure (hereinafter referred as 'CPC') has been filed pursuant to the direction of Apex Court dated 29.11.2024 passed in Special Leave to Appeal (C) No. 28500 of 2024.
2. A Suit No. 182 of 2024 was filed by the plaintiff respondent nos. 1 to 8 before the Court of Civil Judge (Senior Division), Sambhal at Chandausi claiming relief of declaration to the effect that plaintiffs have the right of access into Shri Hari Har Temple alleged Jami Masjid situated at Mohalla Kot Purvi Ward No. 11, P.S. Kotwali City, Sambhal. Relief was also claimed for declaration to the effect that Archaeological Survey of India is under legal obligation to manage and to have complete control over Shri Hari Har Temple/Jami Masjid in view of notification dated 18.11.1920 under Section 3 of Ancient Monuments Preservation Act, 1904. Relief for mandatory injunction was also sought commanding defendants nos. 1 to 5 to make appropriate provisions for giving access to the members of the public within Shri Hari Har Temple/Jami Masjid. Lastly, a relief for permanent injunction was also sought restraining the defendants, their officers, workers and every person acting under them from creating any hurdle or obstacle in entering the plaintiffs and

members of the public into Shri Hari Har Temple/Jami Masjid.

3. The suit instituted by contesting plaintiff respondent nos. 1 to 8 was registered on 19.11.2024. An application under Section 80 (2) CPC was moved for exempting the period of notice for institution of suit as the urgency required in the matter. The said application was allowed on the same day and matter was posted after lunch. After lunch two applications were moved by plaintiff respondent nos. 1 to 8, firstly Application 6C for grant of temporary injunction in respect of suit property and the other being Application 8C for appointment of Advocate Commission for survey of the property in dispute with the help of police force. On Application 6C the Court concerned on the same day i.e. 19.11.2024 issued notice and posted the matter for 29.11.2024, while Application 8C for appointment of Advocate Commission for survey of disputed property was allowed and it was directed that photography of entire premises would be done.

4. Revisionist before this Court is aggrieved by the order dated 19.11.2024 specifically to the effect that suit was instituted on 19.11.2024 and on the same day Application 21C for dispensing the mandatory provision of Section 80 (2) CPC was allowed as well as Application 8C for appointment of Advocate Commission for survey of disputed property was allowed. Learned Senior Counsel appearing for revisionist submits that the survey was conducted on the evening of 19.11.2024 and, thereafter, again on 24.11.2024. He fairly submits that the survey has been completed and report has been kept in sealed cover.

5. Sri Hari Shankar Jain, plaintiff respondent no. 1, who is appearing in person through video conferencing, submits that survey of the disputed property has been completed and report is filed in sealed cover before the Court concerned. He further submits that matter is fixed for today and now it has been posted for 05.03.2025.

6. Matter requires consideration of this Court.

7. Sri Hari Shankar Jain, learned counsel, has accepted notice on behalf of respondent nos. 1 to 8. Notice on behalf of respondent nos. 9 to 12 has been accepted by the office of learned ASGI. Learned Standing Counsel has accepted notice on behalf of respondent no. 13.

8. Let a counter affidavit be filed by all the respondents within two weeks. One week time, thereafter, is allowed for filing of rejoinder

affidavit.

9. Hearing to continue. List for further hearing, as fresh, on 25.02.2025.

10. Till next date of listing, the Court of Civil Judge (Senior Division), Sambhal at Chandausi is restrained from proceeding with the Original Suit No. 182 of 2024.

Order Date :- 8.1.2025

Shekhar