

R. K. Wangalsana Singh

Vs

Gopinath Devta and Others

Civil Appeal No. 1198 of 1977

(G. L. Oza, M. H. Kania JJ)

11.12.1987

ORDER

1. Having heard learned counsel for the appellant for some time we see no reason to interfere; as the High Court was right in entertaining the review petition and setting aside the compromise decree as the compromise decree in a suit which was filed in representative character was compromised without following the procedure laid down in Order 1 Rule 8 sub-clause (4) of Civil Procedure Code and it also appears that while recording the compromise the High Court did not keep in view the interest of the deity for the worship of which the endowment was created by Ruler of erstwhile State of Manipur. In view of these circumstances the High Court was right in entertaining the review petition and setting aside the decree which was passed on a compromise. In our opinion therefore there is no substance in this appeal. It is, therefore, dismissed. The High Court after passing the impugned order of review had directed that the appeal be heard on merits. We may only request the High Court to hear the appeal as expeditiously as possible as long time has already elapsed.

2. In the circumstances of the case we may also observe that the High Court while hearing and disposing of the appeal may keep in view that the purpose of the endowment was the worship of the deity which was created by the Ruler of erstwhile State of Manipur and that should be the primary consideration while disposing of the matter. It is reported that in the trial court some schemes which may be best suited for the management and worship of the deity. By an interlocutory order dated February 8, 1978 this Court directed that during the pendency of this appeal the Deputy Commissioner (Central) Imphal shall manage the property and affairs of the deity and the temple. We further direct that the same arrangement shall continue with further direction that the Deputy Commissioner (Central) Imphal shall maintain proper accounts pertaining to income and expenditure and submit them to the High Court where the appeal is pending so that while disposing of the matter finally the High Court could pass appropriate orders in respect of assets and expenditure incurred during this period as well. The parties, if so advised, may move the High Court for further appropriate directions in respect of accounts. The High Court may direct the Deputy Commissioner to submit accounts as and when thought necessary. Parties are directed to bear their own costs.

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