

**SUPREME COURT OF INDIA**

Swamy Atmananda

Vs.

Swami Bodhananda

C.A.No.3058 of 2000

(B.P.Singh and S.B.Sinha JJ.)

13.04.2005

**JUDGMENT**

**S. B. Sinha, J.**

1. This appeal is directed against the judgment and order dated 13-10-1999 passed by a Division Bench of the Madras High Court in Writ Petition No. 15089 of 1998 whereby and whereunder the writ petition filed by Swami Bodhananda had been allowed. The said writ petition was filed for issuance of a writ of or in the nature of mandamus directing the respondents therein to give all assistance to the appellant in taking over management of the institutions specified therein. The said writ petition was filed having regard to the judgment of the civil court.

2. A decree passed by the civil court must be passed in terms of the provisions contained in the Code of Civil Procedure. The writ petition is not the appropriate remedy therefor. In that view of the matter, the impugned judgment cannot be sustained which is set aside accordingly. The appeal is allowed. It, however, goes without saying that the first respondent herein shall be entitled to execute the decree in accordance with law.