

**Court No. - 92**

**Case :-** TRANSFER APPLICATION (CIVIL) No. - 88 of 2023

**Applicant :-** Bhagwan Shrikrishna Virajman And 7 Others

**Opposite Party :-** U.P. Sunni Central Waqf Board And 3 Others

**Counsel for Applicant :-** Prabhash Pandey, Pradeep Kumar Sharma

**Counsel for Opposite Party :-** Punit Kumar Gupta

**Hon'ble Nalin Kumar Srivastava, J.**

Heard Sri Pradeep Kumar Sharma and Sri Vishnu Shankar Jain learned counsels for the applicants in support of this application, Sri Punit Kumar Gupta learned counsel for opposite party no. 1 and learned AGA for the State.

This is a transfer application made on behalf of the applicants to transfer suit no. 353/2022 pending in the Court of Civil Judge Senior Division, Mathura to this Court under Section 24(1) (b) of the Code of Civil Procedure, 1908.

In the present application, it is also mentioned that subsequent to the registration of suit no. 353/2022 which was initially registered as Civil Misc. Case no. 176 of 2020 on 25.09.2020, a number of suits have been filed even copying verbatim the contents of suit no. 353/ 2022 which to the best of knowledge of the applicants are mentioned as herein under:

C.S. 950 of 2020 Thakur Keshavji Maharaj vs. Intizamiya Committee, C.S. 107 of 2021 Thakur Keshavji Maharaj vs. Intizamiya Committee, C.S. 151 of 2021 Bhagwan Shri Krishan Virajmaan Vs Sunni Central waqf Board, C.S. 152 of 2021 Bhagwan Shri Krishan Virajmaan. Vs U.P. Sunni Central waqf Board., C.S. 252 of 2021 Thakur Keshavji Maharaj. Vs U.P. Sunni Central waqf Board, C.S. 174 of 2021 Keshav Dev ji Maharaj. Vs U.P. Sunni Central waqf Board, C.S. 620 of 2021 Bhagwan Bal Shri Krishan Keshav Dev Virajmaan Vs. U.P. Sunni Central waqf Board, C.S. 683 of 2021 Gopal Giri Maharaj Vs U.P. Sunni Central waqf Board pending in the Court of Additional Civil Judge (Senior Division), Mathura and case no. C.S. 839 of 2022 Bhagwan Bal Shri Krishna Virajman vs. Intezamia Masjid Shahi Masjid pending in the Court of 3rd Additional Civil Judge (Senior Division), Mathura.

It is submitted by the learned counsel for the applicants that all the suits mentioned herein above are of similar nature and subject matter and relief in all the aforesaid cases are similar. The High Court under Section 24(1)(b) of Code of Civil

Procedure is competent to withdraw any suit, appeal or other proceeding pending in any Court subordinate to it and to try or dispose of the same. It is further submitted that the issues involved in the matter concerns crores of devotees of Lord Krishna and the matter is of national importance and the substantial questions of law and several questions relating to the interpretation of the Constitution of India which are involved in the suits aforesaid can be conveniently decided by this Court being the Constitutional Court.

A prayer has been made on the aforesaid ground to withdraw suit no. 353/2022 and also all suits of similar nature pending in the Civil Courts of Mathura to this Court for trial in exercise of the powers under Section 24(1)(b) of Code of Civil Procedure. It is alternatively prayed that all the aforesaid cases may be transferred to one Court and if possible to the senior most Court of Mathura Judgeship i.e. the Court of District Judge, Mathura for disposal to avoid the possibility of different verdicts of different Courts on similar issues and also for the sake of convenience of the parties.

The learned counsel for the opposite party no. 1 has opposed the transfer application. It has been vehemently argued that the present application is not maintainable and instead an application under Article 228 of the Constitution should have been moved before the Chief Justice of the High Court for the said purpose. It is also submitted that the applicants alone cannot file transfer application on behalf of the parties to other cases and they should also be heard into the matter.

The matter requires consideration.

Issue notice to Opposite party no. 2, 3 and 4 returnable on or before 28.02.2023.

Steps be taken within a week.

List this matter on 02.03.2023 along with a report regarding service, as fresh before appropriate Bench.

**Order Date :- 1.2.2023**  
Shaswat