

STATEMENT ON THE STAND OF THE NIRMOKHI AKHARA ON

THE MAINTAINABILITY OF SUIT OOS NO. 5 OF 1989

1. The Nirmohi Akhara would not press the issue of Maintainability of Suit No. OOS No. 5 of 1989 which has been filed on behalf of the deities Plaintiff No. 1 and 2 through Plaintiff No. 3 as their next friend under Order 32 Rule 1 CPC provided the other Hindu Parties i.e. Plaintiff of OOS No. 1 of 1989 and Plaintiff No. 3 of OOS No. 5 of 1989 do not press or question the Shebaiti right of Nirmohi Akhara in relation to the deities in question and the Maintainability of Suit OOS No. 3 of 1989 by the Plaintiff Nirmohi Akhara.
2. It is submitted that the plaintiff - Nirmohi Akhara can independently maintain the suit even in the absence of Deities as parties in Suit OOS No. 3 of 1989 as the identity of the deities is merged in the identity of the Shebait - Nirmohi Akhara. A suit filed by the Nirmohi Akhara "as a Shebait" is a suit filed by and on behalf of the deities.
3. It is stated that, the reliefs sought by the Nirmohi Akhara "For restoration of charge and management from the receiver" can be categorised as a reliefs "against" the interest of the deities for which it can be said that they should be represented as a defendant through a disinterested next friend.