

Judgment of the Lords of the Judicial Committee of the Privy Council on the Appeal of Chotalal Lakhmiram (representative of Lakmiram Govindram deceased) and others v. Manohar Ganesh Tambekar and others, from the High Court of Judicature, Bombay; delivered 28th April 1899.

Present at the hearing :

LORD MACNAGHTEN.

LORD HOBHOUSE.

SIR RICHARD COUCH.

[*Delivered by Lord Macnaghten.*]

THE suit in which this Appeal has been brought was a suit for the administration of a Trust for Religious Purposes in connection with the Temple of Sri Ranchod Raji, in the District of Dakore.

The Plaintiffs claimed to have a sufficient interest to support the suit. The Defendants originally disputed the plaintiffs' title to sue and denied that there was any Trust. They alleged that they were "owners of the God, and of all his property."

The judge of first instance dismissed the suit on technical grounds, but on Appeal to the High Court a decree was made directing that a scheme should be settled for the administration of the Trust. An account was to be taken "of the property, and of the receipts and disbursements of the Temple, such latter account being carried back to the year 1872, and beginning with such property as can be ascertained to have been then in existence." Then the learned judge was directed to "draw up a scheme for the

“ future management of the Temple, and its
“ funds, giving due consideration to the
“ established practice of the Institution, and
“ to the position of the Shevaks, and of other
“ persons connected with it.”

From that decree the Appeal has been brought. In their printed case the same claim was made by the Appellants which was set up by them as Defendants in the suit. They submitted that the suit ought to be dismissed with costs.

Mr. Mayne, who opened the case very fairly, was compelled to admit in the course of the discussion that he could not maintain that position. He admitted that there was a religious foundation, and that there must be a scheme. He desired, however, that certain questions should be determined before entering upon the consideration of the scheme. It appears to their Lordships that the decree is perfectly right, and that the first thing to be done is to take an account of the trust property. Much must depend upon the result of that account. Until the trust funds are ascertained it seems impossible that any scheme can be settled.

The decree does not prejudge anything. It directs that due consideration is to be given to the established practice of the Institution and to the position of the Shevaks. It appears to their Lordships that the Appellants cannot ask for any direction more in their favour.

The result is that their Lordships think that the Appeal must be dismissed, and they will humbly advise Her Majesty to that effect; the Appellants must pay the costs of the Appeal.