**Ramdas Vs. Vaishnavdas and ors.**

**Ramdas Vs. Vaishnavdas and ors.**

**SooperKanoon Citation** : sooperkanoon.com/498086

**Court** : Madhya Pradesh

**Decided On :** Oct-05-1982

**Reported in** : AIR1983MP75

**Judge** : G.P. Singh, C.J. and ;Faizanuddin, J.

**Acts** : Hindu Law

**Appeal No.** : First Appeal No. 236 of 1976

**Appellant** : Ramdas

**Respondent** : Vaishnavdas and ors.

**Advocate for Def.** : R.S. Agarwal, ;A.R. Choubey, ;Ravish Agarwal, Advs. and ;M.V. Tamaskar, Govt. Adv.

**Advocate for Pet/Ap.** : P.C. Pathak, Adv.

**Disposition** : Appeal dismissed

**Judgement** :

G.P. Singh, C.J.

1. This is a plaintiffs appeal against the judgment and decree dated 21st Sept. 1976 passed by the Second Additional District Judge, Bilaspur, in Civil Suit No. 3-A of 1976.

2. The dispute in this appeal relates 1o the succession to the office of Mahant of the Sheorinarayan Math in Bilaspur District. The last Mahant Laldas, hereinafter referred to as the late Mahant, died on 24th Aug. 1958. The possession of the Math and its properties were taken over by defendant-respondent No. 1 Vaishnavdas, who is the Mahant of the Dudhadhari Math of Raipur. The respondent claimed that Laldas executed two wills, one on 11th March 1958, which is a registered will, and another on 15th Aug. 1958, which is an unregistered will, by virtue of which all the properties including the office of Mahant were bequeathed in his favour. The appellant instituted the suit on 19th May 1959 for declaration that he was entitled to succeed to the office of Mahant of the Math and to its properties mentioned in Schedules A to D to the plaint, as Nati Chela of the late Mahant. The appellant alleged that the office of Mahant of the Math descended from Guru to Chela through a long line of Mahants. The appellant also alleged that the late Mahant initiated as his Chela his brother's son Damodardas who predeceased him and the appellant was initiated as Chela by the said Damodardas. The appellant further alleged that the office of Mahant remained in the family of the late Mahant. The appellant by relation is grandson of the brother of the late Mahant- The properties mentioned in Schedules A to D of the plaint were referred to as private properties of the late Mahant. The appellant denied that there was any will executed by the late Mahant in favour of the respondent. It was also stated by him that the Math belonged to Ramanui Sampradaya and the respondent being of Ramanand Sampradaya, could not be made a Mahant of the Math. The respondent, on the other hand, relied upon the wills referred to above. The respondent denied that the appellant was Nati Chela of the late Mahant. The respondent alleged that in the absence of any Chela, the late Mahant could nominate by will or otherwise any ascetic belonging to the same cult as a Mahant of the Math. The respondent admitted that he belonged to Ramanand Sampradaya, but he alleged that the Math also was of the same Sampradaya and not of Ramanui Sampradaya.

3. The trial Court held that the properties mentioned in Schedules A to D to the plaint were not personal properties of the late Mahant and that they were properties of the Math, and it is only the person who succeeded to the office of Mahant who could be entitled to possession of those properties by virtue of his

office. The trial Court also held that it was not proved that the appellant was initiated as Chela by Damodardas. It was further held that there was not even any evidence that Damodardas was initiated as Chela by the late Mahant. The trial Court held in favour of the respondent that the registered will dated 11th March 1958 and the unregistered will dated 15th Aug. 1958 were both executed by the late Mahant. It was, however, held that the respondent succeeded to the office of Mahant by nomination under the unregistered will dated 15th Aug. 1958 and not under the registered will which merely bequeathed the properties and did not nominate the respondent as successor Mahant. It was also found in favour of the respondent that the Math belonged to Ramanand Sampradaya and that in absence of any Chela it was open to the late Mahant to nominate any Rama-nandi ascetic to the office of Mahant. On these findings the suit was dismissed.

4. Both the parties did not challenge before us the public character of the Math and its properties mentioned in Schedules A to D, It was conceded that only the person who succeeded to the office of Mahant could get possession of these properties in the capacity of manager by virtue of his office. The dispute before us thus centres round the office of Mahant,

5. Before proceeding further, it is necessary to mention briefly the history of the Sheorinarayana Math. TheMath is situated in the village Sheorinarayan, 62.04 kilometers from Bilaspur on the left bank of Mahanadi. It is an ancient Math and is a well-known place of pilgrimage. The entire Chhatisgarh area which includes the District of Bilaspur was ruled by the Kalchuri clan of Rajputs from the 9th century A. D. to the 18th century A, D. The capital of these rulers was at Ratanpur which is at short distance from Bilaspur. The Kalchuries of Ratanpur were all descendants of the Kalchuries of Chedi or Dehala with their capital at Tripuri near Jabalpur. Kalchuries belong to Haihaya race claiming descent from Kartavityarjuna of the Epic and the Puranic fame and are also referred to as Haihayas : (Madhya Pradesh District Gazetteer of Bilaspur District, pp. 56 to 66). The popular belief which is also adverted to in the plaint is that the temple of Narayana which is the principal temple of the Math was constructed during the reign of Jajalla-deva II who ruled from 1165 A. D. to 1168 A- D. There are two stone inscriptions which are important for finding out as to when the temple of Narayana in the Math was

built. The first inscription which is of the Kalchuri year 898 is incised on the pedestal of the statue of a male person in a small shrine in the courtyard of the temple of Narayana. The corresponding English date of this inscription is 9th Sept. 1146 A. D. The object of the inscription is to record that the statue is of a warrier named Sangramasimha the son of Balesimha and Ananadevi. The praise which is here lavished in the inscription is wholly conventional and has no historical importance: (See Corpus Inscriptionum Indicarum (Inscriptions of the Kala-churi-Chedi Era) Vol. IV, Pt. II, pp. 582 to 584). The only thing of importance in this inscription is the date and the fact that it starts with an invocation to 'Shiv'. The second inscription is of the Kalchuri or Chedi year 919. The stone which bears this inscription is built in the temple of Chandrachudeavars which stands in close vicinity to that of Narayana temple. The date of the inscription is not available but the year corresponds to 1167-68 A. D. The inscription belongs to the reign of Jajalladeva II of the Kalchuri Dynasty of Ratanpur, The immediate object of the inscription is to record the donation of the village Chin-cheli by Amanadeva, a descendant of acollateral branch of the Kalchuri Dynasty for the purpose of defraying the expenses of worship of God Chandra-chude and the erection of a temple of Durga in front of the shrine. The inscription is, however, historically important as it furnishes an account of the collateral Dynasty of Ratanpur. This inscription also begins with an invocation to Shiv: (Inscriptions of the Kalachuri-Chedi Era Pt. II, pp. 519 to 527). It is generally believed that the temple of Narayana was constructed during the same period to which the above inscriptions belong. There is some controversy as to whether the idol in this temple is of Vishnu or Shiva. It is stated in the Archaeological Survey of India Report, Vol. VII, p. 196 that the deity in the temple is Shaivic and not Vaisha-navic. The same thing is repeated in the Madhya Fradesh District Gazetteer of Bilaspur District at p. 524. The Survey Report which states that the idol is of Shiv was made by J. B. Beglar, who was Assistant to Major-General A. Cunningham, Director General, Archaeological Survey of India. The inference drawn by Beglar on this point does not appear to be correct. The idol is a figure in a sitting posture and not Shivalingum. The very fact that the idol has been worshipped as Narayana or Vishnu for ages proves that it is of Vishnu and not of Shiv Probably, the Beglar's report was influenced by the fact that the stone inscriptions which we have referred to above begin with an invocation to Shiva and the Kalchuri Rulers in whose reign the Shrine was founded were also of Saivic faith. In our opinion, however, the correct position is stated by Dr. Mirashi in his introduction to Vol. IV of Corpus Inscriptionum Indicarum (Inscriptions of the Kalachuri-Chedi Era Pi. I, pp. xxiii, cxv, cli and clxiii) that though Saivism was the predominant cult in Dakshina Kosala i.e. Chattisgarh, but Vaishnavism also was prevalent and that the old temple at Sheorinarayan is of Vishnu and was erected by a collateral branch of the royal family of Ratanpur. This is also the view of a modern author as Kalchuri Rulers and their descendants: (See Kalchuri Naresh Aur Unke Vanshaj (1982) p. 33 by Dr. Ram Kumar Singh), The parties have also accepted this position before us.

6. The next question that may now be considered is whether the Mathwhich undoubtedly is a Vaishanava Math belongs to the order of Ramanuj or that of Ramanand. As earlier noticed, the case of the appellant is that the Math is of Ramanuj Sampradaya whereas the case of the respondent is that the Math is of Ramanand Sampradaya. Apart from the oral evidence, there are two booklets Exs. 4/D-1 and 4/D-2 which relate to the affairs of the Math and which were published long back and contain useful information. The year of publication of Ex. 4/D-l is not clear but it appears to have been published by one Gautamdas when Damodardas, predecessor of Laldas, was the Mahant. At p. 5 of Ex. 4/D-1 it is stated that the Math and the Mahant are Vaishanava of Rama-nuj Sampradaya. In Ex. 4/D-2 which was published on the authority of the late Mahant Laldas in the Samvat year 1960, soon after the death of Mahant Damodardas, it is stated at p. 6 that the Math and the Mahant belong to Ramanand Sampradaya. We have already stated that according to the plaint, the temple of Narayana in the Math had its origin during the reign of Jajalladeva II, who ruled from 1165 to 1168 A. D. In those days the prevalent Vaishanava cult was that of Ramanuja. The traditional date of Ramanuja's birth is 1017 A. D. He formulated the philosophy of Visista-dvaota. The deity worshiped by followers of Kamanuja is Narayana: (The Cultural Heritage of India published by the Ram Krishna Mission Institute of Culture, Vol. IV (the Religions) pp. 174-175). Ramanand who also belonged to Vaishanava cult and who considerably reformed it to suit the need of the times, flourished in the 14th century. It is stated that he was fifth in descent from Ramanuja. The unique

contribution of Ramanand in the Indian spiritual life was the spirit of synthesis. Ramanand borrowed ideas from all the various religious schools, vitalised them with love find devotion of his heart and founded a new path of spiritual realization. He discarded all the distinctions of caste and creed and saw humanity as one lai'ge family. According to his teachings one man is higher than another not through his birth but only through his love and sympathy. His first twelve followers were Ravidas the cobbler,Kabir the weaver, Dhanna the jat peasant. Sena the Barber, Pipa the Rajput, Bhavananda, Sukhananda, Asananda, Surasurananda, Parmananda, Mahanandaand Sri Ananda. Some of them were not personally initiated by him; they were drawn to his ideas and ideals long after his demise. The last six of them are said to have belonged to the order of Ramanuja and to have left it along with Ramananda. The principal deity of the followers of Ramananda is Sh'ri Rama (Cultural Heritage of India, Vol. IV (the Religions) pp. 60, 378 to 380). The principal deity in the Math is that of Narayana and the temple and the Math were founded in the 12th century when the order of Ramanand was not bora It is, therefore, reasonable to conclude that the Math, to begin with, was a Vaisanava Math of Ramanuj a Sampradaya. But it appears that after passage of time and with the spread of the order of Ramanand, the temple and the Math came within its fold. This conclusion can be reached on a number of considerations. We have already stated that in Ex. 4/D-2, the booklet issued in the Samvat year 1960 i. e. 1903-4-A.C.D. by the late Mahant Laldas, he described the Math and the Mahant to belong to Ramanand Vaisanava Sampradaya. Mahant Laldas must have had the knowledge as to which Vaisanava set he and the Math belonged and the statements made by him in Ex. 4/D-2 must be accepted as almost conclusive on that point. It is true that in Ex. 4/D-1 which was issued during the time of Mahant Damodardas, the Math is described to be of Ramanuja Sampradaya. This booklet, however, does not seem to have been issued by the Mahant himself and, therefore, that importance cannot be given to it as to the statemenl of Mahant Laldas contained in Ex. 4/D-2. Both the booklet begin with a Shlok which contains an invocation to Shri Ram, the principal deity of Ramanand Sampradaya. The translation of Sheorinarayana Mahatma which was composed in Sanskrit is contained in the booklet Ex. 4/D-1. A reading of that will show that the popular belief is that the place was originally known as Narayan Dham and it is only when

Shri Ram visited the place and accepted the hospitality of Shabri that it came to be known as Sheorinarayana, The present importance of the place is thus due to mythical visit of Shri Ram to that place. These considerations lead us to conclude that at certain stage with the passage of time the Math became a RamanandiMath and was presided over by Rama-nandi Mahante,

7. The next question is whether the appellant is entitled to succeed to the office of Mahant. The law on the point is now well settled by various decisions of the Privy Council and the Supreme Court. Succession to the Mahantship of a Math is regulated by custom or usage of the particular institution except where a rule of succession is laid down hy the founder himself who created the endowment. One who claims the office by right of succession is bound to allege and prove what the custom of the particular institution is, for the only law regulating succession to such institution is to be found in the custom and practice of that institution. Where the head of a religious institution is bound by celibacy, it is frequently the usage that he nominated his successor by appointment during his own lifetime Or by will- Such a power of nomination must, however, be exercised not corruptly or for ulterior reasons but bona fide and in the interest of the Math. (Sri Mahalinga Thambiran v. Arulnandi Thambiran, AIR 1974 SC 199 at p. 202 and Krishna Singh v. Mathura Ahir, AIR 1980 SC 707 at p. 716. We have already mentioned that the custom pleaded bv the appellant in the plaint is that the office of the Mahant of the Math descends from Guru to Chela. The first Mahant of the Math was Mahant Dayaramdas. The late Mahant Laldas was the thirteenth Mahant. The names of all the Mahants who succeeded in accordance with the said custom are given in the booklets Exs. 4/D-1 and 4/D-2 and also stated in Paragraph 8 of the plaint. These facts are not in dispute. It is further not in dispute that by custom the Mahants are celibate ascetics. Mahant Mathuradas was the 8th Mahant. The succeeding Mahants up to Mahant Laldas belonged to his family. We have also mentioned that the case of the appellant is that Laldas initiated his brother's son Damo-dardas as his Chela and Damodardas Initiated the appellant as his Chela- The appellant claimed succession on the ground that he is Nati Chela of Mahant Laldas. The first hurdle that the appellant is not able to cross is that it is nowhere clearly pleaded in the plaint that according to the custom or usage of the Math in the absence of Chela, Nati Chela can succeed as a matter of right. Furtherthere is

absolutely no evidence that a Nati Chela ever succeeded as Mahant of the Sheorinarayana Math. However, even assuming that there is a custom that a Nati Chela can succeed, we are not convinced on the evidence produced by the appellant that he was initiated as Chela by Damodardas.

8. The fact whether Damodardas was a Chela of the late Mahant Laldas is also disputed. It appears that Mahant Laldas was not happy with Damodardas. He gave a general notice in a local newspaper 'Toofan1 on 14th March, 1956, to the effect that Damodardas was not his Chela and would not' succeed him as Mahant. A reply to this general notice was published by Damodardas in 'Toofan' of 2nd May, 1956, contradicting the statement of the Mahant. However, it is clearly admitted therein that the Mahant was not happy with him and he was turned out and was not living in the Math. These two issues of Toofan are Exs. 1/D-3 and 1/D-4 Even assuming that Damodardas was initiated as a Chela by Mahant Laldas, it is clear that from March 1956 his relations with Mahant Laldas were strained and he was not living in the Math. The appellant, according to the date of birth given in the school leaving certificates Exs. P-51 and P-52, was born in July, 1955. According to the plaint allegations in paragraph 44-C the appellant was initiated as Chela on Magh Shukla 13 Samvat 2013, which corresponds to 12th February, 1957. Damodardas died on 29th June, 1957. At the time of initiation as Chela, the appellant was nearly 11/2 years of age Minority is no doubt not a bar for a person to be initiated as a Chela, nevertheless it looks strange that a boy who was only 1 1/2 years of age and who was the only son of his father was initiated as ascetic Chela by Damodardas. Further, we have already mentioned that the relations of Damodardas with Mahant Laldas were strained and he was turned out from the Math. It is difficult to believe that Mahant Laldas would have permitted the initiation of the appellants as Chela by Damodardas in the Math in January. 1957 as is the case of the appellant. Geetabai (PW is the appellant's mother. She stated in her evidence that two years before the date of initiation it was settled that the appellant would be made a Chela. This also shows that the story of initiation deposed to is entirely false, Twoyears before the alleged ceremony the appellant was not even born and it is beyond comprehension that it was settled before the appellant was born that he would be initiated as a Chela. Further, Geetabai stated that invitations in writing were issued for the initiation cermony to a number of

persons. The suit was filed in 1956. No person who may have received invitation in writing was examined to produce the invitation to corroborate the evidence of initiation. The appellant examined Kashiram (PW 2), Udit Narayan (PW 3), Sheshnath (PW 4), Ratiram (PW 5) and Raghuwar Prasad (PW 6) to prove that he was initiated as a Chela. The evidence of these witnesses was read out to us and we are not prepared to differ from the trial Court that the evidence produced by the appellant is not reliable at all. The circumstances mentioned above make it highly improbable that the appellant was ever initiated as a Chela as pleaded in the plaint. We endorse the finding of the trial Court that the appellant was not initiated as a Chela by Damodardas.

9. It has also been contended against the appellant that as it is pleaded by him that Mahants of the Math belonged to Ramanuja Sampradaya and as the appellant also claims to be of that Sampradaya, he cannot succeed to the office of Mahant on the finding that the Math is of Ramanand Sampradaya. It is true that the finding reached by us is that the later Mahants at least were of the order of Ramanand. If the late Mahant Laldas belonged to that order has been accepted by us and if the appellant was initiated as a Nati Chela of the late Mahant, the consequence would be that the appellant will also be of the order of Ramanand. It is thus not possible to negative the claim of the appellant simply on his pleading that the Math and its Mahants were of Ramanuja Sampradaya.

10. The next question to be examined is whether the respondent has been successful in proving the two wills and in establishing his claim to Mahantship of the Math. The respondent has examined Mahant Vasudeodas of Tapowan, Mahant Vaidehi Rama Sharan of Ayo-dhya. Mahant Dasrathidas of Datia, who claim to be Mahants of different Vais-nava Maths of the order of Ramanand. These witnesses have stated that thepractice of Ramanandi Maths is that the Mahant can nominate any Ramanandi ascetic as his successor. According to them, nomination by will if made by the late Mahant Laldas in favour of the respondent was in conformity with the practice of Ramanandi Vaisnava Maths. There is, however, no evidence that a person who was not a Chela of the Mahant was ever nominated as a successor by him in Sheorinarayana Math or in any of the Maths, the Mahants of which were examined. What we havel to see in

deciding the claim of the person who wants to succeed to the office of Mahant of a Math is the custom or usage of that particular institution. Now, as there is no evidence of any custom or usage pertaining to the Sheorinarayana Math that a person who is not a Chela can succeed by nomination to the office of Mahant, it is not possible to accept that the respondent could be validly nominated as his successor by the late Mahant, for, admittedly the respondent was not a Chela of the Late Mahant, but was himself a Mahant of another Math. However, even assuming that such a nomination could be made, we are satisfied that the will dated 15th August 1958, by which the respondent claims to be nominated by the late Mahant as his successor is not a genuine will. On this point, for the reasons given hereinafter we overrule the finding of the trial Court which was in the respondent's favour.

11. We have already mentioned that the late Mahant Laldas executed two wills. The first will which was executed on 11th March, 1958, is a registered will. This is Ex. 1/D-25. The will states that the testator had movable and immovable properties in various villages and that he was executing the will of the movable and immovable properties mentioned therein in favour of Mahant Vaishnavdas, the respondent. It is further stated therein that as regards the remaining properties, the testator had not made any final decision and that he will execute a will in respect of the later. Now this registered will is a disposition of the properties of the Math treating them to be the properties of the late Mahant. It is settled law and indeed the learned counsel for the respondent did not dispute the legal position that the properties of the Math vested in the, institution and were held by the late Mahant as a manager for the institution and it was not open to himto make a will of the properties and the respondent could not claim the properties under the will. Learned counsel for the respondent, however drew our attention to the following words in the will :

^^ekStk f'kojh ukjk;.k esa ekfyd edcwtk tehuvkSj xkS:lh tehu flok; eB eafnj edkukr vkSj f'kojh ukjk;u Hkxoku dh p< ls eq>sizkIr gksrs g SA og lHkh esjs ejus ds i'pkr egar Jh- oS'.konklth dksfeysaxsA** and argued that the aforesaid words in the will amount to nomination of respondent as the Mahant to succeed the late Mahant Laldas. We are unable to agree with this contention. The whole will is a disposition of properties and the aforesaid words bequeath the share in the income and offerings which the late Mahant received,, in favour of the respondent. The words relied upon cannot be construed to mean that the late Mahant nominated the respondent as the successor Mahant. The will Ex. 1/D-25 is thus wholly ineffective. It was argued by the learned counsel for the appellant that the will has not been properly proved. We need not consider this argument on our finding that the will is wholly ineffective. We then come to the second will which is said to have been executed by the late Mahant on 15th August, 1958. This will is Ex. 1/D-6. The case of the appellant in re-spect of this will is that it is not a genuine will and that it has been prepared on a paper bearing the signature of the late Mahant which may have been found by the respondent after he took over possession of the Math and its properties. The very appearance of Ex 1/D-6 is somewhat suspicious. The signature of the late Mahant on this will is in a different ink from the ink used in the body writing. The paper of Ex. 1/D-6 is very thin. The circumstances surrounding the execution of the will are also suspicious. The late Mahant was sufficiently educated person. When he first executed the registered will dated 11th March, 1958, he got the advice of a counsel Shri J. M. Ambalkar (DW 1) who prepared the draft- The Mahant himself first wrote down that will which is Ex. 1/D-27 before it wasfinally scribed on a watermark paper. He also took the precaution of getting the will registered. As regards the will dated 18th August 1958 (Ex. 1/D-6. the late Mahant apparently did not take any such precaution. The late Mahant, if the case of the respondent is true, one day when he found Ramrakshadas (DW 3) of Tusma village in the Math, called him to write down the will. Ramrakshadas happened to be in the Math on that date by chance. The attesting witness Suraj-deen (Dw 9) is also of Tusma village-Another witness who attested the will is Chhabilal (DW 4). The evidence of these witnesses regarding the execution of the will does not inspire confidence. We have already mentioned that Mahant Laldas while executing the first will dated 11th March, 1958 had himself first written the will after consulting a lawyer. He also got that will registered It is true that in the earlier will he does mention that for the remaining properties he will be executing another will but had he decided to execute another will, he would in the normal course have taken the same precautions which he took in executing the first will. He could have himself written out the wil and he would not have suddenly called a person like Ramrakshadas (DW 3) who happened to be by chance in the Math, for scribing the will. Another very important circumstance to discredit this will is that it was not discovered and relied upon at the earliest opportunity by the re-spondent. Immediately after the death of Mahant Laldas on 24th August 1958, the respondent took possession of the Math and its properties. He got the registered will at once after taking over possession. But he did not then get the will dated 15th August 1958 (Ex. 1/D-6). According to the statement of the respondent, he got this will on Diwali i.e. on 10th or 11th November, 1958. Proceedings were taken before the Registrar, Public Trusts, for registration of the Math as a Public trust. In these proceedings, the respondent who was a party filed a written statement on 30th June, 1959. In this written statement this respondent claimed the Math and its properties as succession merely on the basis of the registered will dated 11th March 1958. The existence of the will dated 15th August 1958 was not at all disclosed or even hinted at in this written statement. Had the will dated 15thAugust 1958 been then in existence, it would have been natural for the respondent to claim also under that will for it is only in this will that it is specifically stated that the respondent will succeed to the office of Mahant. The non-mention of the will dated 15th August, 1958 in the written statement filed on 30th June, 1959 clearly demonstrates that the said will was not then in existence- All these circumstances leave us in no doubt that the will is a forged document which must have been prepared on a paper bearing the signature of Mahant Laldas which may have been found in the Math after his death or with some of his Mukhtars. The will dated 15th August, 1958, is not genuine. The respondent has thus failed to establish his case that he was nominated as successor by the late Mahant.

12. The respondent's nomination as a Mahant has also been assailed on the ground that he was not a fit person for the office of Mahant. It is stated that the respondent got involved with one Smt. Binodini who was a widow, as a result of which Ramjidas was born who obtained the order dated 12th June, 1952 for maintenance as an illegitimate son of the respondent from the criminal Court. The respondent filed a suit for challenging this order in which also he failed. The final

judgment in the civil suit was delivered by the High Court in Second Appeal No. 274 of 1959, decided on 14th February, 1962 (Ex. P-42). On the basis of this judgment and the order of the criminal Court, it is submitted by the appellant that as only a celibate can become a Mahant and as the respondent ceased to be a celibate after he had illicit relations with a widow, he became incompetent to be nominated, as Mahant. The contention of the respondent is that these judgments are not admissible in evidence. It is not necessary for us to go into this question as on other grounds we have held that the respondent is not entitled to succeed to the office of Mahant of the Math.

13. As a result of the above discussion, we conclude that neither the appellant nor the respondent is entitled to succeed to the office of Mahant of the Sheorinarayana Math- We find that the Registrar of Public Trusts by his order dated 26th March, 1960 passed in Revenue Case No. 4-B101/1958-59 has applied under Section 26 of the M. P. Public Trusts Act, 1951, to the Court for making proper directions for the efficient and proper management of the Math and its properties. The Registrar has suggested that a small Board of Trustees be constituted for the management of the Math and its properties. These proceedings, we are informed, are still pending as Misc. Judicial Case No. 17 of 1960 in the Court of the District Judge, Raipur. We are sure that the District Judge will, in the said proceedings, give necessary directions for appointment of trustees and proper and efficient management of the Math and its properties.

Although we have held that the respondent is also not in lawful possession of the Math and its properties as he was not appointed as successor by the late Mahant, yet the appellant's suit must fail for the reason that he has failed to prove his own title to the office of Mahant. (Genda Puri v. Chhatar Puri (1886) 13 Ind App 100 at D 105, and Sital Das v. Sant Ram, AIR 1954 SC 606 at p. 609).

14. The appeal fails and is dismissed. But as we have held that the respondent is also not entitled to the office of Mahant, the parties will bear their own costs throughout