

(1930) 03 AHC CK 0024**Allahabad High Court****Case No:** None

Baldeo Prasad

APPELLANT

Vs

Arya Priti Nidhi Sabha and
Others

RESPONDENT

Date of Decision: March 6, 1930**Hon'ble Judges:** Sulaiman, J**Bench:** Single Bench**Final Decision:** Dismissed**Judgement**

Sulaiman, J.

This is a plaintiff's appeal arising out of a suit for recovery of possession of immovable property by setting aside a deed of trust executed by Amar Singh, the nephew of the plaintiff Baldeo Prasad. According to the plaintiff Amar Singh gave up the world in December 1920, and adopted faqiri sanyas in January 1921, and was named Sanyasi Amirtanand; that in consequence all his rights in his property became extinct and the same reverted to his relations. But admittedly on 24th January 1921 he executed the deed of trust in favour of the respondent Sabha, which is an Arya Samaj institution. According to the plaintiff the deed of trust was null and void inasmuch as on the date of its execution Amar Singh had no longer any right or interest left in him. The defendants contested the suit by denying that Amar Singh had ever renounced the world and given up his rights in the property or that he had completely become a Sanyasi. It was further pleaded that he was a Vaish by caste and could not have become a Sanyasi.

2. The learned Judge has found that the evidence to prove that Amar Singh had become a complete Sanyasi before 1921 was not satisfactory, and he has further held that the facts established by that evidence were insufficient to make out the case of complete abandonment of all worldly concern.

3. The plaintiff has appealed and challenges those findings.

4. So far as the Sanyasis belonging to the Sanatan Dharma religion are concerned, the procedure to be followed before a person becomes a complete Sanyasi has been laid down in great detail by Srinivasa Aiyangar, J. in Avasarala Kondal Row and Another Vs. Iswara Sanyasi Swamulavaru alias Avasarala Kamarazu and Others, Speaking of Sanyasam in general, he has pointed out that the postulant has to perform his death ceremony (though this is not considered essential by some) and the eight sradhas the last of which is his own sradh, he must then distribute his wealth among his sons and Brahmins reserving enough for the homam (sacrifice in the fire) to be subsequently performed:

Then ho has to perform Prajapathiyeshti and finally Viraja homam. These are sacrifices in fire and are a purificatory ceremony. At the end of the ceremonies the postulant has no property at all, for even the sacrificial vessels if they are of wood must be burnt in the fire and if they are of metal must be given to the priest.

5. He then takes leave of his sons and standing in water utters a mantra three times to the effect that he has given up his desire for sons, wealth, world and everything. He does not become a Sanyasi till the mantra is pronounced. This procedure is stated to be common to all Sanyasis. A somewhat similar practice was established in the case of Ramdhan Puri v. Dalmer Puri [1910] 14 CWN 191 where too the performance of the Viraja homam ceremony was considered necessary for the attainment of the status of a perfect and complete Sanyasi chela.

6. The learned advocate for the appellant, however, contends that these ceremonies are only essential for those who belong to the Sanatan Dharma and are not applicable to an Arya Samajist. Admittedly Amar Singh was an Arya Samajist and has previously dedicated some property in favour of an Arya Samaj institution in 1917. No authority has been cited in support of the proposition that in the case of an Arya Samajist the complete renunciation of the world can be effected by a mere expression of an intention or by merely calling oneself a Sanyasi. On the other hand, the learned advocate for the respondent has drawn our attention to a passage in Satyarth Prakash (1964 Sambat edition) Chap. 5, p. 131, which is the sacred book of the Arya Samaj. The passage when freely translated reads as follows:

After having performed the Prajapathiyeshti yagna (or homam), thrown the sacred thread in it (the fire) the tuft of hair growing on the head and such other symbols et cetera leaves the house and becomes a Sanyasi,

7. This book therefore itself shows that the performance of the Prajapathiyeshti homam is essential and is the final ceremony to be performed even by the Arya Samajist who becomes a Sanyasi.

8. In the present case apart from the fact that there are oral statements to the effect that Amar Singh had become a Sanyasi, that he was calling himself a Sanyasi and that he was wearing yellow clothes, there is no evidence whatsoever on the record to prove the performance of any of the ceremonies. It cannot be doubted that the

mere fact that a person declares that he has become a Sanyasi or that he is described as such or wears clothes ordinarily worn by the Sanyasis would not be sufficient to make him a perfect Sanyasi. It is essential that he must enter into the fourth stage of his life in accordance with the necessary requirements. He must not only retire from all worldly interests and become dead to the world, but to attain this he must perform the necessary ceremonies without which the renunciation will not be complete: Mayne's Hindu law, Edn. 9, page 867.

9. We also accept the finding of the Court below that the evidence adduced by the plaintiff to show that he had become a complete Sanyasi in December 1920, is not trustworthy. In the first place this seems contrary to the allegation in para. 2 of the plaint, where it was stated that he adopted Faqiri Sanyas in January 1921. In the second place there is no direct evidence to show what actually happened in December 1921, except that he attended the anniversary of Gurukul at Bindraban. No one who was present on this occasion has been produced by the plaintiff. On the other hand the defendants have produced Arjun Singh and Kashi Ram who say that they were present at Bindraban on this occasion and that Amar Singh had not become a Sanyasi at that time. A report of the proceedings of that anniversary has also been produced, which does not contain any reference to Amar Singh becoming a Sanyasi. The evidence therefore does not prove the plaintiff's case.

10. The result therefore is that this appeal must be dismissed with costs.