

(1922) 12 BOM CK 0021

Bombay High Court

Case No: None

Kashinath Hari
Bondale

APPELLANT

Vs

Vishwanath Bhiko
Padhye Bondale and
Others

RESPONDENT

Date of Decision: Dec. 19, 1922

Citation: AIR 1923 Bom 409 : 76 Ind. Cas. 764

Hon'ble Judges: Norman Macleod, C.J; Crump, J

Bench: Division Bench

Judgement

1. The Trial Court passed an order in favour of the plaintiffs who asked to have it declared that the temple of Shri Vithoba situate at Devgad being a public temple they had a right to worship the said deity. They also asked for a permanent injunction restraining the defendant from obstructing the plaintiff in the enjoyment of their said rights. They also prayed for the removal of a certain lock put up by the defendant on the door of the inner room of the temple. After granting the perpetual injunction asked for, and directing the defendant not to obstruct the plaintiffs in doing the acts referred to in paragraph 4, Clause 1 of the plaint the order then proceeded as follows;--"As the lock has been clearly removed by the order of the Court I order that the defendant shall not lock the door again." That order was confirmed in appeal. The defendant in second appeal asked us to delete from the order those words with regard to the locking of the door, on the ground that they are unnecessary as they may lead to undue interference with his powers of management. It appears to us that there was no necessity whatever to pass a mandatory order against the defendant forbidding him from locking the door again. The perpetual injunction granted is quite sufficient. If the plaintiffs are in any way obstructed in the future, then they have their remedy by executing the decree. It is always undesirable that an order of this kind should be made forbidding a party enjoined generally, from doing particular acts. If once the Court enjoins the

defendant against particular acts, there is no limit to the number of acts which might have to be mentioned. The general injunction is sufficient. Decree to be amended to that extent. No order as to costs.