

Court No. - 78

Case :- ORIGINAL SUIT No. - 1 of 2023

Plaintiff :- Bhagwan Shrikrishna Virajman At Katra Keshav Dev Khewat No. 255 And 7 Others

Defendant :- U.P. Sunni Central Waqf Board And 3 Others

Counsel for Plaintiff :- Prabhash Pandey, Pradeep Kumar Sharma

Counsel for Defendant :- Gulrez Khan, Hare Ram, Nasiruzzaman, Punit Kumar Gupta

Hon'ble Mayank Kumar Jain, J.

1. Mrs Reena N Singh, S/Sri Vishnu Shanker Jain, Mahendra Pratap Singh, Saurabh Tiwari, (through Video Conferencing), Hare Ram Tripathi, Prabhash Pandey, Pradeep Kumar Sharma, Vinay Sharma, Radhey Shyam Yadav, Gaurav Kumar, Siddharth Srivastava and Satyaveer Singh, learned counsel for the plaintiffs and Sri Ashutosh Pandey (in person) are present.

2. Sri Mehmood Pracha, learned Advocate (through Video Conferencing), S/Sri Nasiruzzaman, Hare Ram Tripathi and Imran, learned counsel for the defendants are present.

3. Sri Mehmood Pracha, learned counsel for the defendants made three fold arguments today. Firstly, that the arguments, on the application under Order VII Rule 11 of CPC, advanced on behalf of the defendants have been concluded by Mrs Tasneem Ahmadi and, therefore, hearing on the application under Order VII Rule 11 of CPC stands concluded.

3.1 Secondly, his right to audience be protected in view of the unruly behaviour of learned counsel for the plaintiffs on the hearing dated 30.5.2024 and videography of the further court proceedings be also conducted.

3.2 Thirdly, since the subject matter of the suit is between the plaintiffs and the defendants, therefore, there is no provision that the Court can appoint any person or lawyer as Amicus Curiea.

4. In view of the above, the matter on the application under Order VII Rule 11 of CPC is **reserved for orders.**

4.1 So far as the argument to protect the right to audience of Sri Mehmood Pracha, in view of the alleged unruly behaviour of learned counsel appearing on behalf of the plaintiffs is concerned, it relates to further hearing in the matter. Since certain allegations are made against learned counsel appearing on behalf of the

plaintiffs, therefore, their versions are also required to be heard on this issue.

4.2 This issue shall be taken up after the order on the maintainability of Suit is pronounced.

4.3 So far as the argument made by him that the appointment of Amicus Curia is not in accordance with law is concerned, an application for removal of Amicus Curia is already pending consideration.

4.4 In view of the pendency of the aforesaid application, this issue shall also be taken up after the order on the maintainability of Suit is pronounced.

5. However, it is made clear that the application under Order VII Rule 11 of CPC shall be decided on the basis of the arguments advanced by learned counsel for the respective parties.

6. An application (**A-45**) is moved by Sri Ashutosh Pandey, who appears in person, in OSUT No.4 of 2023. By means of this application, Sri Pandey prayed for a direction that only true contents of the orders to be passed by the Court in the matter should be published in the Newspapers and print media and not otherwise.

6.1 This application shall also be considered at the appropriate stage.

Order Date :- 6.6.2024
RKK/-