

Court No. - 89

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. S/Sri Hari Shanker Jain, Vishnu Shanker Jain, Mahendra Pratap Singh, Saurabh Tiwari (through Video Conferencing), Ajay Kumar Singh, Hare Ram Tripathi, Prabhash Pandey, Pradeep Kumar Sharma, Vinay Sharma, Gaurav Kumar, Siddharth Srivastava, Ashish Kumar Srivastava, Ashvinee Kumar Srivastava, Satyaveer Singh, Dr Dharmesh Chaturvedi and Arya Suman Pandey, learned counsel for the plaintiffs and Sri Ashutosh Pandey (in person) are present.

2. Mrs Tasneem Ahmadi and Mr Mehmood Pracha, learned Advocate (through Video Conferencing), S/Sri Nasiruzzaman, Pranav Ojha, Hare Ram Tripathi, Afzal Ahmad, Tanveer Ahmad and Imran, learned counsel for the defendants are present.

3. Mrs Tasneem Ahmadi, learned counsel appearing on behalf of the defendants, filed her written submissions (**A-26**) in OSUT No.13 of 2023, (**A-25**) in OSUT No.15 of 2023, (**A-21**) in OSUT No.16 of 2023, which are taken on record.

3.1 Mrs Tasneem Ahmadi submitted her reply to the arguments advanced by learned counsel for the plaintiffs in OSUT Nos.9, 13, 15 and 16 of 2023 today. Her arguments on behalf of Committee of Management, Shahi Idgah Masjid, which is arrayed as defendant-respondent in Original Suits, are concluded.

4. On behalf of U P Sunni Central Waqf Board, learned counsel Sri Afzal Ahmad has already concluded his arguments in respective Original Suits in which, U P Sunni Central Waqf Board is arrayed as defendant.

5. Sri Nasiruzzaman, on his prayer, was permitted to submit his arguments. He started his arguments, but he was interrupted by Sri Mehmood Pracha, learned Advocate that since the arguments are already concluded by learned counsel Mrs Tasneem Ahmadi, therefore, there is no requirement to advance any further argument.

5.1 Thereafter, Sri Mehmood Pracha, learned Advocate addressed the Court through Video Conferencing that the arguments on behalf of Committee of Management, Shahi Idgah Masjid are concluded.

5.2 After the aforesaid proceedings, in the open Court, it was communicated to learned counsel for the parties that the order is being reserved.

6. However, after conclusion of arguments and reserving the order in the open Court, Office has placed an application (A-53) filed on behalf of Committee of Management, Shahi Idgah Masjid, with the following prayers:

"A. Issue appropriate directions to ensure that the right of audience through VC of Mr. Mehmood Pracha Advocate (Enrollment No.D/702/1988) whose vakalatnama is on the record is not obstructed in any manner.

B. The Defendant's right to be heard is protected by appropriate measures through video recording of the proceedings."

7. Since Mrs Tasneem Ahmadi, learned counsel has filed her reply against the objections made by the plaintiffs to the application for rejection of plaint and has advanced her elaborate arguments, therefore, matter was reserved for orders.

7.1 In view of above, it is to be noted that Sri Mehmood Pracha, learned counsel remained present through Video Conferencing on several occasions and was also present in person before the Court. He had ample opportunity to argue the matter.

8. The right of audience to any of the learned counsel, who desired to appear and argue the matter through Video Conferencing, was never obstructed as the entire hearing, which commenced from 22.2.2024, was conducted in the present of the parties to the Suits as well as their respective counsels.

9. However, in view of the phrase '*justice should not only be done but must also be seen to be done*' and in order to do complete justice in the matter, this Court feels appropriate to provide an opportunity to Sri Mehmood Pracha, learned Advocate to address the Court through Video Conferencing.

10. Let the matter be listed on **4.6.2024 at 2:00 pm.**

11. It is made clear that for any reason, whatsoever, no further opportunity shall be accorded.

12. The application (**A-53**) filed on behalf of Committee of Management, Shahi Idgah Masjid, after reserving the matter for order, is accordingly, disposed of.

13. Registry is directed to inform learned counsel for the parties and all concerned about the date fixed in the matter forthwith, so that they may be present on the date fixed.

Order Date :- 31.5.2024

RKK/-