



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**



S.B. Civil Writ Petition No. 16508/2018

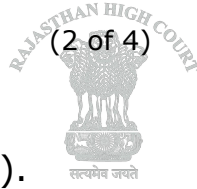
Shri Ramniwas Dham Trust, Shahpura, District Bhilwara, Registered Trust, Shahpura, District Bhilwara, Through Its Power Of Attorney Holder Sh. Parasmal S/o Sh. Mishri Lal Ji Pipada, Aged About 71 Years, Resident Of Shri Ramniwas Dham Trust, Shahpura, District Bhilwara.

----Petitioner

Versus

1. Nirmla Choudhary W/o Sh. Fs Choudhary, F-227, Rk Colony, Bhilwara.
2. Shri Swami Ji Acharya Shri Ram Dayal Ji Maharaj, Chairman, Shri Ramniwas Dham Trust, Shahpura, District Bhilwara (Raj.).
3. Shri Sant Shri Akheram Ji Guru Santa Shri Ratiram Ji, Ramdwara Gangapur, District Bhilwara (Raj.).
4. Shri Sant Shri Ramswaroop Ji Gurusant Shri Partiram Ji Sayogitaganj, Farsi Mohalla, Ramdwara, Chawani, Indore (Mp).
5. Shri Sant Shri Ramnarayan Ji Gurusant Shri Dhayaniramji, In Front Of Roadways Bus Stand, Ramdawara, Dewas (Mp).
6. Shri Sant Shri Ramtaram Ji Gurusant Shri Bhagram Ji, Bundi Road, Chittorgarh, District Chittorgarh (Raj.).
7. Shri Sant Shri Samartharam Ji Guruswami Ji Shri Ramdayal Ji Maharaj, Shahpura, District Bhilwara.
8. Shri Ramvinod Ji S/o Shri Ramdutt Ji Bidla,, Naya Bazar, Shahpura, District Bhilwara.
9. Shri Ramdhan Ji S/o Shri Ramratan Ji Kabra,, Near Bus Stand, Shahpura, District Bhilwara.
10. Shri Ghanshyamdas S/o Shri Sita Ram Ji Gilda,, 47/5 Ida Complex, Agarwal Nagar, Sapna- Sangeeta, Main Road, Indore (Mp).
11. Shri Jagdish Chandra S/o Shri Banshi Lal Ji Somani,, 18/212, Sunder Banshi Sadan, Sirki Mohallha, Bhupalganj, Bhilwara (Raj.).
12. Shri Shyam Lal S/o Sh. Goverdhan Ji Innani,, Sanjay Apartment, In Front Of Dena Bank, Shahi Bagh,





Ahemdabad (Gujrat).

13. The Presiding Officer, Rent Tribunal, Bhilwara.

-----Respondents

For Petitioner(s) : Mr. Sandeep Saruparia
Mr. Nikhil Ajmera
For Respondent(s) : Mr. D.D. Chitlangi



HON'BLE MS. JUSTICE REKHA BORANA

Order

08/08/2024

1. The present writ petition has been preferred against the order dated 26.07.2018 passed by the Rent Tribunal, Bhilwara in Case No.53/2013 whereby the application as preferred by the defendant has been partly allowed.

Vide the application, it was prayed on behalf of the defendant that the evidence of Parsmal Pipada, power of attorney holder of the petitioner-Trust, be not read and further, the documents marked as exhibits in his affidavit be also demarked.

2. Vide the order impugned dated 26.07.2018, learned Tribunal observed that Parasmal Pipada being power of attorney holder of the petitioner-Trust could not have deposed on behalf of the petitioner-Trust and further, the documents as sought to be exhibited in his affidavit could not have been exhibited as it could not have been presumed that he was in personal knowledge of the contents of the said documents. The learned Tribunal observed that the said documents could have been exhibited only by any of the Trustees of the petitioner-Trust and not a power of attorney holder. The learned Tribunal therefore, proceeded on to direct that the documents as placed on record vide an affidavit of the power



of attorney holder of the petitioner-Trust be not marked as exhibits. However, the Tribunal permitted the power of attorney holder to lead evidence in his independent capacity as a witness.

3. Heard learned counsel for the parties and perused the material available on record.

4. It is admitted on record that Parasmal Pipada, power of attorney holder of the petitioner-Trust was the Manager of the petitioner-Trust.

Sections 2(17) and 2(18) of the Rajasthan Public Trust Act, 1959 define a 'Trustee' and a 'Working Trustee' as under:

*(17) "trustee" means a person in whom either alone or in association with other persons the trust property is vested and **includes a manager**;*

*(18) "working trustee" means any person who, for the time being, either alone or in association with some other person or persons, administers the trust property of any public trust and **includes the manager of a public trust** as well as –*

(a) in the case of a math, the head of such math, and

(b) in the case of a public trust having its principal office or principal place of business outside the State of Rajasthan, the person in charge of the management of the property and administration of the public trust in that State;

5. A bare perusal of the above definitions makes it clear that Manager of a Trust holds the capacity of a Trustee. Therefore, the power of attorney holder of the petitioner-Trust who was Manager of the Trust, definitely falls under the definition of a "Trustee". He could therefore, very well have led evidence on behalf of the petitioner-Trust and ought to have been permitted as such.



6. In view of the above observations, when this Court has reached to a conclusion that Parasmal Pipada could have deposed on behalf of petitioner-Trust, as a necessary corollary, the documents as sought to be exhibited vide his affidavit definitely could have been exhibited.

7. The writ petition is hence, **disposed of**. The order impugned dated 26.07.2018 is hereby quashed and set aside. The learned Tribunal shall be under an obligation to proceed now with the further proceedings in the matter.

8. Stay petition and all pending applications, if any, also stand **disposed of**.

(REKHA BORANA),J

337-T.Singh/-