

1896.
March 12.

SUPRAMANI AYER *et al.* v. CHANGARAPILLAI *et al.*

D. C., Jaffna, 24,688.

Hindu temple—Office of priest, right to exercise—Cause of action.

Plaintiffs in their plaint averred that they were entitled to a share of the office of priest in a Hindu temple ; that to the exercise of such right were attached certain emoluments ; and that they had been unlawfully prevented by the defendants from entering the temple and exercising their office, and had thus suffered pecuniary loss ; and they prayed for a decree declaring their right to the share that they claimed of the office of priest, and restraining the defendants from interfering with them in the exercise of such right, and condemning the defendants in the damages they had sustained.

Held, following the *dictum* of Lord Cranworth in *Forbes v. Eden* (*L. R. 1 Sc. Ap. 568*), that the plaint disclosed a good cause of action.

THE facts of the case sufficiently appear in the judgment of
BONSER, C.J.

Rámanáthan, S.-G., and *Dornhorst*, for first defendant, appellant.

Wendt and *Sampayo*, for plaintiffs, respondents.

12th March, 1896. BONSER, C.J.—

In this case the plaintiffs claim to be entitled by inheritance from their ancestors, and also by a deed of gift from their father,

1886.

March 12.

BONSER, C.J.

to a share of the office of priest in a certain Hindu temple in this Colony. They allege that to the exercise of such office in that temple are attached certain emoluments, that they have been unlawfully prevented from entering the temple and exercising their said office, that they have thereby suffered pecuniary loss ; and they claim the intervention of the District Court of Jaffna. The defendants objected that there was no jurisdiction in the courts of this Island to interfere in this matter, because it was a matter affecting the Hindu religion and its usages and ceremonies.

The District Judge settled an issue of law in the following terms :—

“ Whether the right to officiate in a Hindu temple and to receive
 “ the incomes appertaining to the office of priesthood is a subject
 “ within the scope of the jurisdiction of this Court, and if so,
 “ whether sufficient ground of action is disclosed by the plaint.”

The District Judge found those two issues in favour of the plaintiffs.

The first defendant has appealed.

The Solicitor-General, in support of the appeal contended that this was a spiritual matter with which the Court had no jurisdiction to deal, and he relied upon the case of *Kurukul v. Kurukul*, which is reported in *1 S. C. R. 354*. But that case when looked at does not assist him at all. It is there laid down “ that a District Court
 “ has no jurisdiction to interfere in the concerns of religious com-
 “ munities, unless in the rules which any religious community
 “ has made for its members in relation to the religious object which
 “ it has combined to maintain and support, a civil element enters
 “ which brings it within the sphere of the Court’s civil jurisdiction ;”
 and in that case it was stated that there “ was no complaint by
 “ the plaintiff that he had been debarred from using the temple
 “ for performing his functions as a priest in all that concerns the
 “ observance of his religion.”

In this case there was an allegation that the plaintiffs were debarred from using the temple.

The principles of law which govern this case are stated very clearly by Lord Cranworth in *Forbes v. Eden*, (*L. R. 1 Sc. Ap. 568*) where he says that “ save for the due disposal and administration
 “ of property, there is no authority in the Courts, either of England
 “ or Scotland, to take cognizance of the rules of a voluntary society
 “ entered into merely for the regulation of its own affairs. If
 “ funds are settled to be disposed of amongst members of a voluntary
 “ association according to their rules and regulations, the
 “ Court must necessarily take cognizance of those rules and

1896.

March 12.

BONSER, C.J.

“ regulations for the purpose of satisfying itself as to who is entitled to the funds. So, likewise, if the rules of a religious association prescribe who shall be entitled to occupy a house, or to have the use of a chapel or other building.

“ If connected with any office in a voluntary association, there is the right to the enjoyment of any pecuniary benefit, including under that term the right to the use of a house or land, or a chapel or a school, then incidentally the Court may have imposed on it the duty of inquiring as to the regularity of the proceedings affecting the status in the society of any individual member of it.”

This case comes within the very words of Lord Cranworth's opinion. The plaintiffs allege that they hold an office in a voluntary association; that connected with that office there is a right of property, and that that right of property has been infringed. I am therefore of opinion that they have disclosed a good cause of action.

The appeal is dismissed with costs.

LAWRIE, J.—

I agree with the Solicitor-General to the extent that there are many rights, duties, and obligations which can be decided and enforced only in the forum of the conscience, or by spiritual or ecclesiastical courts or powers.

The pleadings in the present case seem to me not to raise questions of morality or spiritual religion, but questions of status involving the possession of a building and the right to demand and receive money. In my opinion the District Court had jurisdiction.

I would affirm.
