



CR-7899-2025 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CR-7899-2025 (O&M)
Decided on:- 05.12.2025**

Samunder Singh and Others

....Petitioner

VERSUS

Mahendra Narendra Charitable
Education Trust (Regd.) and Others

....Respondents

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Rakesh Nehra, Sr. Advocate with
Mr. Sahil Nehra, Advocate for the petitioners.

Mr. Ravinder Singh Randhawa, Sr. Advocate with
Mr. K.S.Riar and Ms. Tarranum Madan, Advocates
for respondents No.1 to 3.

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MANDEEP PANNU J.**CM-22482-CII of 2025**

This is an application for placing on record the amended memo of parties.

It is stated in para No.2 of the application that due to typographical error, defendant No.10 could not be impleaded as a party to the petition. Therefore, the petitioners intend to make defendant No.10 as performa respondent No.5 by way of the present application.

For the reasons stated in the applications and in view of the submissions made by the learned counsel for the applicant, the application is allowed and defendant No.10 – Virender s/o Rishal Singh is impleaded as performa respondent No.5, subject to all just exceptions. Amended memo of parties is taken on record.

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1. The present Civil Revision Petition has been filed by Samunder Singh (defendant No.1), Sukhvinder @ Sukhminder Singh (defendant No.2), Raghuinder (defendant No.4), Geeta (defendant No.5), Satvinder son of Late Sh. Sarup Narayana (defendant No.6), Urmila (defendant No.7), Ravinder (defendant No.8) and Tripta (defendant No.9) in the civil suit titled Mahendra Narendra Charitable Education Trust registered and others versus Samunder Singh and others. Defendants No.3 (Sanjana wife of Sukhvinder) and No. 10 (Virender s/o Rishal Singh) have been impleaded as proforma respondents in the present revision petition.

Brief Facts

2. The case of the plaintiffs, as set out in the plaint, is that Plaintiff No.1 is a registered charitable educational trust known as Mahendra Narendra Charitable Education Trust (hereinafter referred to as the 'trust'), constituted through a registered trust deed dated 27.11.1998. Plaintiff No.2 is presently the Chairman of the Trust, having automatically assumed the position under the terms of the trust deed upon the death of the founder Chairman, Sh. Narender Singh Nandal, on 06.06.2024. Plaintiff No.3 is the Secretary of the Trust. It is pleaded that Plaintiff No.2 was brought up and educated by Sh. Narender Singh Nandal and his wife Smt. Mahender Kaur, who treated her as their daughter, and accordingly she was nominated as Vice-Chairman of the Trust during their lifetime.

3. It is further averred that Plaintiff No.1 has been constituted to run and manage charitable and educational institutions and, in furtherance of these objectives, various parcels of land were leased and gifted to the Trust over several years. Lease deeds dated 15.02.1999, 17.09.2004 and symbolic possession

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delivered on 14.05.2008, as well as a gift deed dated 14.05.2008 executed by Virender Singh, were relied upon to show that the Trust came into lawful possession of approximately 40 Kanal 13 Marla of land situated within the revenue estate of village Kutana, Tehsil and District Rohtak. Over this land, Plaintiff No.1 constructed a school building comprising classrooms, hall, storerooms, bathrooms, open yard and boundary wall with gates, and has been running Mahendra Narendra Adarsh Senior Secondary School therein.

4. The plaintiffs assert that the school has been duly recognised by competent educational authorities since 1999 and thereafter granted permanent recognition up to Class 12. The Trust operates a functional bank account, submits income tax returns, and conducts all financial and administrative affairs in accordance with the trust deed. Various resolutions passed by the Trust, copies of financial documents, and other annexures are relied upon to demonstrate lawful management and continuous possession.

5. According to the plaintiffs, the defendants, who are family members and co-sharers of the erstwhile landowners have recently developed mala fide intentions to disturb the peaceful possession of the Trust over the suit property. It is alleged that in July 2024, the defendants attempted to interfere in the functioning of the school, forcibly entered the premises, took away records, manhandled Plaintiff No.2, and threatened to dispossess the Trust. Complaints were lodged with police and administrative authorities, but no action was taken. The plaintiffs assert that the defendants have no right, title or interest in the school premises and that they are estopped from interfering, having acquiesced to the construction and functioning of the school for many years.

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6. The plaintiffs plead that unless restrained, the acts of the defendants will cause irreparable injury to the administration of the Trust and to the functioning of the school. Hence, the suit for permanent injunction was filed along with the application under Order 39 Rule 1 and 2 CPC seeking interim protection.

7. In the written statement filed on behalf of defendants No.1 to 9, it is pleaded that the present suit for permanent injunction is not maintainable in its present form, the plaintiffs have concealed material facts. Plaintiff No.2 is neither Chairman nor President of the Trust, and plaintiff No.3 is not its Secretary, and therefore the plaintiffs have no locus standi to file the present suit. It is further pleaded that no cause of action has arisen in favour of the plaintiffs, and the suit is also hit by Section 92 CPC. The defendants assert that they are running and managing the school for many years, and the plaintiffs are not in possession of the school building or its affairs; hence, the suit for injunction does not lie.

8. On merits, the defendants denied the claim that plaintiff No.2 automatically became Chairman of the Trust after the demise of Shri Narender Singh Nandal. As per the defendants, it is defendant No.10 who is the Vice-Chairman of the Trust and who became Chairman after the death of the founder Chairman. All alleged resolutions, proceedings and documents relied upon by the plaintiffs such as those dated 29.04.2024, 09.05.2024, 08.06.2024 and 05.09.2024 are alleged to be false, fabricated and procured by the plaintiffs only to take control over the Trust property. It is further denied that plaintiff No.2 was ever treated as the daughter of late Sh. Narender Singh Nandal and his wife. The defendants also dispute the alleged membership and authority of plaintiff No.2 in the Trust, asserting that the plaintiffs have no concern with the Trust and the proceedings mentioned by them are illegal and void.

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9. The defendants further state that the school is being run and managed by them since long, being the founder members and successors in interest of the original land-owners. It is pleaded that the land continues to be joint and unpartitioned, with each co-sharer having interest in every inch thereof, and that the plaintiffs' claim of exclusive possession is false. They also allege that plaintiff No.2 forcibly attempted to take over the school premises on 22.07.2024 and, upon objection, lodged false complaints. It is further pleaded that on 25.07.2024 plaintiff No.2 stole the proceedings book and other records from the school building, for which complaint was made to the police. The defendants assert that all financial dealings, including the payment of staff salaries, have always been handled by them after the death of the founder Chairman.

10. In their additional written statement, the defendants submit that the plaintiffs, through the replication and newly filed documents, have introduced manipulated and fabricated proceedings with the sole intention of grabbing the Trust property. It is pleaded that the alleged proceedings dated 31.05.2023, where defendant No.10 was shown to have been appointed Chairman and thereafter allegedly resigned within days, are false and manufactured by the plaintiffs. According to the defendants, any prudent person would conclude that such abrupt resignation is inherently suspicious and clearly indicative of fabrication. The defendants rely upon affidavits of persons who allegedly attended said meetings to substantiate their plea that the documents produced by the plaintiffs are manipulated and prepared in collusion with outsiders.

11. They therefore prayed dismissal of the stay application.

**Findings of trial Court**

12. The trial Court dismissed the application filed under Order 39 Rule 1 & 2 read with Section 151 CPC filed by the plaintiff. The trial Court observed that resolution dated 20.06.2023 does not inspire confidence of the Court. The Court found it suspicious due to inconsistencies such as use of different inks and handwriting, which cast doubt on its authenticity. Further, subsequent resolutions dated 29.04.2024, 09.05.2024, 08.06.2024, 05.09.2024, 10.11.2024 and 07.02.2025 are dependent upon resolution dated 20.06.2023. When earlier resolution dated 20.06.2023 is under challenge, no subsequent resolution, vide plaintiff No.2 become chairperson can be relied upon. Further the trial Court observed that from the salary slips, which have been placed on record as Annexure P-20 and P-21, do not show that plaintiff No.2 and 3 are running the school on behalf of plaintiff No.1. Rather the salary slips of the employees of the school from January 2025 to March 2025, placed on record by the defendants show that the defendants are running the school.

Findings of the lower appellate Court

13. Aggrieved by the order dated 06.05.2025, the plaintiffs filed an appeal. The appellate Court observed that Trust deed No.6903 dated 27.11.1998 clearly provides that upon the death of the Chairman, the Vice Chairman shall automatically assume the office of Chairman until further nomination. The resolution dated 09.05.2024 shows that the founder Chairman, late Sh. Narender Singh Nandal had formally nominated plaintiff No.2 as Vice Chairman during his life time. The chairmanship of plaintiff No.2 was not challenged by any of the respondents. After perusal of record it acknowledged that plaintiff No.2 is performing her duties as Chairman. Further, the trial Court did not appreciate the

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legal effect of the registered trust deed dated 27.11.1998 and the statutory presumption arising therefrom.

14. After hearing the arguments of both the sides and appreciating the material on record, the appellate Court reversed the findings of the trial Court and allowed the appeal. It restrained the defendants from interfering in the peaceful possession, management and administration of the Trust and school building known as Manhendra Narender Adarsh Senior Secondary School.

15. Aggrieved by the order of the lower appellate Court, the defendants filed the present revision petition.

Findings of this Court

16. From the pleadings of both sides, certain foundational facts emerge as broadly undisputed. It is not in controversy that Mahendra Narendra Charitable Education Trust is a registered trust and that a trust deed was executed at the time of its creation. Both parties also accept that a school has been running over the suit property under the banner of the Trust for many years, though they differ regarding who presently manages it. There is also no dispute that after July 2024, complaints were submitted to various authorities, including the police, by one side or the other, concerning alleged interference at the school premises. Thus, while the authority and control over the Trust is contested, the existence of the Trust, the existence of the school on the suit land, and the fact that the parties approached administrative authorities in July 2024 stand admitted.

17. The parties are at serious variance on almost every material aspect relating to the functioning, control, and internal administration of the Trust and the possession and management of the school. The plaintiffs assert that plaintiff No.2 and plaintiff No.3 are the valid office-bearers of the Trust and rely upon several

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resolutions and entries in the proceedings book to establish their authority. The defendants, however, categorically deny the authenticity and validity of these resolutions and assert that defendant No.10 is the Vice-Chairman, and thereafter Chairman, of the Trust and that the plaintiffs have fabricated and manipulated the alleged resolutions.

18. Similarly, the parties are divided regarding possession of the school premises. The plaintiffs claim to be in peaceful and lawful possession of the suit property and running the school, whereas the defendants contend that they have been managing and running the school since inception and that the plaintiffs are not in possession. The defendants also allege that plaintiff No.2 attempted forcible entry into the school on 22.07.2024 and later removed the proceedings book on 25.07.2024, whereas the plaintiffs allege interference and obstruction by the defendants.

19. The parties are also in dispute regarding the nature of rights over the suit land. While the plaintiffs assert possession consistent with the Trust's functioning, the defendants claim that the land continues to be joint, has not been partitioned, and that each co-sharer has rights in every portion of it. Further, there is controversy regarding who lawfully operates the Trust bank account and pays the salary of staff, with each side alleging misuse or manipulation by the other.

20. Having considered the pleadings of the parties, the admitted and disputed facts, and the findings recorded by both courts below, this Court is of the considered opinion that the Trial Court has adopted the correct legal approach, whereas the Lower Appellate Court has exceeded the permissible limits of adjudication at the interlocutory stage.



21. It is an admitted position that the central controversy between the parties hinges upon the validity and authenticity of the resolution dated 20.06.2023, which allegedly resulted in nomination/elevation of plaintiff no.2 as Vice-Chairperson/Chairperson of the Trust. From the material placed on record and from the pleadings already analysed, it is evident that the said resolution is seriously disputed, its genuineness, signatures, manner of preparation, handwriting, and existence of two inks, all raise debatable and triable issues that can only be adjudicated after evidence is led. The Trial Court rightly observed that prima facie suspicion arises regarding the document, whereas the Lower Appellate Court has treated the same almost as an established fact without subjecting it to trial scrutiny.

22. Similarly, the Trial Court also relied upon the circumstance that no recent salary slips have been produced by the plaintiffs to prima facie show their continued administration of the institution, whereas the defendants have filed recent salary slips (Jan–Mar 2025) supporting their version of possession and management. Whether those slips are fabricated or not is again a matter of trial. The Lower Appellate Court, however, treated older resolutions and older salary bills as conclusive proof of current possession, which is inconsistent with the settled principle that possession must be established as on the date of the suit/application, and must be based on current and credible documents.

23. More importantly, at the stage of deciding an application under Order 39 Rules 1 and 2 CPC, the Court is not expected to conclusively determine disputed questions such as who is the lawful Chairperson of the Trust, who is authorised to run the school, whether particular resolutions are genuine or fabricated, whether a particular party is duly elected or nominated.

These issues require evidence, expert examination (if necessary), cross-



examination, and a full trial. The Lower Appellate Court, instead of restricting itself to the three well-settled principles, prima facie case, balance of convenience, and irreparable loss, has engaged in detailed factual findings which, in effect, amount to a pre-trial adjudication of the core merits. Such an approach is impermissible.

24. On the other hand, the Trial Court confined itself to examining whether the plaintiffs had been able to show a prima facie right and prima facie possession over the suit property at the time of filing of the suit. Finding that both these essential ingredients were doubtful due to the disputed nature of the foundational resolution of 20.06.2023, lack of recent documents supporting plaintiffs' management, presence of recent salary slips produced by defendants and complaints and counter-complaints relating to alleged interference and attempted forcible occupation, the Trial Court rightly concluded that no prima facie case was made out in favour of the plaintiffs and hence the injunction could not be granted.

25. This Court also notes that the Lower Appellate Court did not deal with or controvert the Trial Court's reasoning on absence of recent salary slips, nor did it address the suspicious nature of the impugned resolution pointed out by the Trial Court. Instead, it proceeded on the assumption that earlier resolutions and earlier documents automatically confer present entitlement to injunction, an assumption that is neither supported by law nor by the nature of interim proceedings.

26. The respondents/plaintiffs have vehemently argued that appellants/defendants no.1 to 9 are not the elected or nominated members of the Trust and, therefore, are complete strangers having no locus standi to challenge the authority of plaintiff no.2 or to dispute the management and possession of the Trust



property. It is further pointed out that the Trust itself is not arrayed as a defendant through any authorised representative and, consequently, the answering defendants cannot claim any right in the suit property.

27. This contention, at this interlocutory stage, cannot be accepted for more than one reason. *Firstly*, the nature and extent of the defendants' relationship with the Trust is itself a disputed question of fact, as reflected from the pleadings and documents on record. The defendants have asserted that they are founder family members, life members, and persons who have been running the school since long, and have also produced recent salary slips of the staff. Whether this claim is valid or not is a matter that can only be adjudicated after evidence is led. Therefore, the question of 'locus standi' itself is intertwined with the very issues in dispute and cannot be conclusively determined at the stage of deciding an application under Order 39 Rules 1 and 2 CPC. *Secondly*, even assuming for the sake of argument that defendants no.1 to 9 have not been able to fully establish their authority or membership of the Trust at this stage, the law is well settled that the plaintiff must stand on his own legs. A temporary injunction cannot be granted merely because the defendant has not shown a better right. The burden lies squarely on the plaintiffs to prima facie establish that plaintiff no.2 validly became the Vice-Chairperson/Chairperson of the Trust, that plaintiff no.1 Trust, under her leadership, is in settled possession of the school and that the plaintiffs, and not the defendants, are administering and controlling the institution on the date of the suit.

28. As already discussed, the very foundation of the plaintiffs' claim, the resolution dated 20.06.2023 is seriously disputed, shows signs of manipulation on the face of the record, and requires full-fledged evidence. Further, no recent salary slips or contemporary documents establishing plaintiffs' administration of the

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school have been filed. In the absence of such prima facie material, the plaintiffs cannot derive any advantage merely by asserting that defendants have no locus.

29. In conclusion, the plaintiffs have failed to establish a prima facie right in their favour, irrespective of the defendants' position. Consequently, the revision petition is hereby accepted. Impugned order dated 16.10.2025 passed by the learned Additional District and Sessions Judge, Rohtak is set aside.

30. Pending application(s), if any, also stand disposed of.

December 05, 2025
tripti

(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No