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

CR No.1939 of 2015 (O&M)

Date of decision: April 23, 2015

Hisar Khadi Ashram

.....Petitioner

Versus

Dinesh Kumar and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Vinod S. Bhardwaj, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 09.04.2014, whereby suit filed by the petitioner for recovery of the possession under Section 6 of the Specific Relief Act, 1963, was dismissed being not maintainable.

I have heard learned counsel for the petitioner and have gone through the record available on the file carefully.

Petitioner had filed suit for recovery of possession of the premises in question. Issue No.2 as framed by the trial Court, on the pleadings of the parties, reads as under:-

“2. Whether suit of the plaintiff is not maintainable in the present form? (OPD)”

Trial Court decided the said issue in favour of the defendants and consequently suit filed by the petitioner was dismissed being not maintainable. The suit in question had been filed by Manager-Karambir for Hisar Khadi Ashram.

However, the petitioner had failed to establish that Manager-Karambir had been authorised to file the suit on behalf of the Ashram. Admittedly, plaintiff-petitioner is a registered society and therefore, the suit could have been filed by the plaintiff-society through an authorised person. Since it was not proved on record that Manager-Karambir had been authorised to file the suit in question, the learned trial Court rightly dismissed the suit being not maintainable.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

April 23, 2015
m.singh