

**In the High Court of Punjab and Haryana at Chandigarh**

**RSA No.2521 of 2012(O&M)**

**Date of Order: October 09, 2015**

**Gurudwara Sahib**

**..... Appellant**

**Versus**

**Kala Singh and another**

**.... Respondents**

**CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA**

**Present:- Mr. Deepak Arora, Advocate,  
counsel for the appellant.**

**Surinder Gupta, J**

Heard.

The suit filed by Kulbir Singh in his capacity as Pardhan (President) of Gurudwara Sahib, Village Chandu Wadala, Tehsil and District Gurdaspur, seeking the relief of permanent injunction, restraining the defendants Kala Singh and Ajit Singh from interfering in the possession of the plaintiff over the suit property measuring 52 kanals (as detailed in the headnote of the plaint of the judgment by the court below) was dismissed with the observation that this property is owned by Gurudwara Sahib and is being looked after by Dashmesh Social Welfare Society, Wadala Chandu.

The plaintiff claimed himself to be Chairman/President of the committee managing the affairs of the Gurudwara Sahib and alleged that the suit property was given on lease in the year 2006 by the plaintiff to Amrik Singh son of Bhan Singh, Gurdip Singh son of Ganga Singh and Gurdial Singh son of Harbans Singh.

Both the courts below took into account the admissions made by plaintiff and his witness that the Dashmesh Social Welfare Society was formed and got registered by the villagers including the plaintiff and this society is managing the suit land on behalf of Gurudwara Sahib. The court also took note of the fact that the plaintiff is not in possession of the suit land. The persons, who claimed to be in possession, were not impleaded as party or examined as witnesses. The plaintiff was himself a signatory to the proceedings for the formation of 'Dashmesh Welfare Society, Chandu Wadala' and the society was managing the affairs of the Gurudwara Sahib.

Learned counsel for the appellant has argued that existence of Dashmesh Welfare Society has not been disputed by the appellant, but that society was formed only to look after the religious affairs and functions in the Gurudwara. The management of the Gurudwara remained with the other committee headed by Kulbir Singh plaintiff, who has filed the suit as President of Gurudwara Sahib.

It appears that the dispute is between Kulbir Singh, who claims himself to be President of one society and Dashmesh Social Welfare Society, Chandu Wadala, which was formed to manage the affairs of the plaintiff-Gurudwara Sahib. In these circumstances, it was incumbent upon the plaintiff to prove that he is in possession of the suit land or has dealt with the land in dispute, in any manner. His plea that land was given on lease to various persons was not substantiated on the record by producing any evidence. The land in dispute is owned and possessed by Gurudwara Sahib and the plaintiff has failed to prove his capacity or locus standi to institute the suit on its behalf.

Both the courts below have committed no error of law and fact while declining the relief as claimed by the plaintiff.

No substantial question of law requiring determination arises in this appeal, which has no merit.

Dismissed.

**October 09, 2015**  
*Sachin M/jv*

**(SURINDER GUPTA)**  
**JUDGE**