

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

**105****RSA No.3278 of 2012****Date of Decision:16.11.2015**

Sulekh Chand (deceased) th.LRs

....appellants

Versus

Gurudwara Sahib Haripur (H.P.)

.....respondent

**CORAM: HON'BLE MR.JUSTICE ARUN PALLI****1.Whether Reporters of local papers may be allowed to see the judgement?****2. To be referred to the Reporters or not?****3. Whether the judgment should be reported in the Digest?**

Present: Mr.Rahul Sharma-I, Advocate  
for the appellants

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**ARUN PALLI, J.(ORAL):-**

Suit filed by the plaintiff was decreed by the trial Court vide judgement and decree dated 29.05.2010. As the appeal preferred against the said decree failed and was dismissed on 11.04.2012, defendants are before this Court, in this Regular Second Appeal. Parties to the lis, hereinafter, would be referred to by their original positions in the suit.

In a suit filed by the plaintiff, it prayed for a decree for permanent injunction, restraining the defendants from raising any sort of construction and from changing the nature of agricultural land measuring 25 bighas 10 biswas, comprised in specific khasra numbers depicted in the plaint, situated in village Dera Guru H.B.No.184, Tehsil Kalka, District Panchkula. It was maintained that the plaintiff-institution was the owner in possession of the suit property and defendants were in possession thereof as tenants on

payment of 1/3<sup>rd</sup> batai. Baba Balbir Singh was the overall incharge of the institution and had appointed Sh.Rattan Singh Banga as his attorney to file the present suit.

In defence, it was pleaded, inter alia, that the ownership of the plaintiff over the suit land was a matter of record. It was denied that only Balbir Singh was the over all incharge of the Gurudwara Sahib Haripur (HP) and managing the same. It was also denied that Rattan Singh Banga was the duly constituted attorney. In fact, defendant No.1 had an old kachha house over a part of the suit property which he had reconstructed and the defendants had not changed the nature of the suit property.

On a due and comprehensive consideration of the matter in issue and the evidence on record, both the Courts concurrently concluded that the ownership of the plaintiff-institution was not disputed by the defendants. Likewise, possession of the defendants as tenants over the suit land was also not in dispute. Ex.P1 i.e. General Power of Attorney, proved that Sh.Rattan Singh Banga was the duly constituted attorney of Baba Balbir Singh i.e. incharge of the institution. Report of the local commissioner, who was appointed during the pendency of the suit, revealed that he had found a partly constructed building in the suit land and further construction was in progress. That being so, it was held that the version of the plaintiff was duly corroborated from the report of the local commissioner. Accordingly, the Courts below having found defendants to be in possession of the property as tenants, rightly restrained them from raising any sort of construction and from

changing/altering the nature of the suit land. The argument advanced by learned counsel for the appellants; that the General Power of Attorney Ex.P1 does not show that Rattan Singh Banga was authorised to file the present suit on behalf of the plaintiff-institution, is misplaced. Recitals in the General Power of Attorney, reveal that Baba Balbir Singh was incharge of various institutions in the country and for their proper management and control, he had constituted Rattan Singh Banga as his attorney. Defendants do not dispute that Baba Balbir Singh was incharge of the plaintiff-institution, rather, the case set out in defence was that he was not the only incharge of Gurudwara Sahib Haripur (HP). So much so, none of the defendants stepped into the witness box to substantiate their defence. That being so, the suit was instituted by a duly constituted attorney of Baba Balbir Singh.

Learned counsel for the appellants could not point out as to how the findings that were concurrently recorded by both the Courts were either contrary to the position on record or suffered from any material illegality.

In the wake of the position as set out above, there hardly exists any ground, least plausible in law, to interfere with the decree being assailed in the present appeal. No question of law, much less any substantial question of law, arises for consideration in the present appeal. The same being devoid of merit is accordingly, dismissed.

16.11.2015

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I attest to the accuracy and  
integrity of this document

**(ARUN PALLI)**  
**JUDGE**