

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

RSA No.4121 of 2015

Date of Decision: December 09, 2015

Satnam Singh

.... Plaintiff/appellant

vs.

Harmit Singh & another

.... Respondent/defendants

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Vinod Kumar Kaushal, Advocate
for the appellant.

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

CM No.10006-C & 10007-C of 2015

In view of facts mentioned in the application which are supported by affidavits, delay of 16 days in filing and 3 days in refiling the present appeal is condoned.

The applications stands disposed of.

RSA No.4121 of 2015

Impugned in the present Regular Second Appeal is the judgment and decree dated 04.02.2015 passed by learned Additional District Judge, Hoshiarpur affirming the judgment and decree dated

learned Additional Civil Judge (Sr. Divn.), Hoshiarpur, vide which the suit of the plaintiff for mandatory injunction directing the defendants to account for the collection of donation collected by defendants for the month of May 2008 to June 2008 on behalf of Gurudwara Bhai Sukha Singhji (old Dharamshala) Mahilpur, District Hoshiarpur and also seeking account of sale of one imli tree, one eucalyptus tree and one kikkar tree of said Gurudwara was dismissed.

The case set up by the plaintiff is that he is the sewadar/patron of Gurudwara Bhai Sukha Singhju Mahilpur (old Dharamshala) situated in middle of village Mahilpur. There was one imli tree, one eucalyptus tree and one kikkar tree which were more than 100 years old in the premises of the Gurudwara. Defendant is not giving the account of collection of donation and the value of aforesaid three trees which were illegally sold by the defendants.

The stand of the defendant before the lower Court was that vide judgment and decree dated 03.03.1979, in case titled as **Satnam Singh versus Karnail Singh** plaintiff was debarred as patron of Gurudwara. The appeal was dismissed by learned District Judge, Hoshiarpur on 07.01.1981. It was held that plaintiff is neither Sewadar nor patron of Gurudwari Bhai Sukha Singh Ji. Defendant denied to have cut and remove the trees. It was asserted that plaintiff is in habit of filing false applications. Lower Court returned the findings that plaintiff claims to be patron of the Gurudwara on the

basis of document Ex.P-6 which is certificate of registration of Gurudwara, wherein he is shown to be patron/Sewadar. It is on this account that he has filed the suit. Lower Court held that the said document was not proved in accordance with law and therefore can not relied upon. Consequently the suit was dismissed. The findings were upheld in appeal.

I have heard learned counsel for the parties and have gone through the case file very carefully.

Before the lower Court also, the learned counsel for the appellant failed to point out that certificate of registration of Gurudwara Ex.P-6 was proved in accordance with law. Mere filing of certified copy does not prove its registration. Once the document is not proved the plaintiff is not proved to be the manager of Gurudwara so as to seek the said mandatory injunction. There are concurrent findings of two Courts below. No substantial question of law arises in the present appeal.

Accordingly, the present Regular Second Appeal is dismissed.

December 09, 2015
rimpal

(KULDIP SINGH)
JUDGE