

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Regular Second Appeal No.2380 of 2014(O&M)

Date of decision: 19.10.2015

Thakurdwara vill. Garhi Kanugo

.....Appellant

versus

Mandir Sudhar Committee and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Ranjit Saini, 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)

Impugned in the present regular second appeal is the judgment and decree dated 22.1.2014, passed by learned Additional District Judge, SBS Nagar, affirming the judgment and decree dated 16.5.2011, passed by the learned Civil Judge, Senior Division, Balachaur, whereby the suit of the plaintiff was dismissed with costs.

Suit was filed by Thakurdwara through its mahant and mohatmim Sant Jatinder Pal, claiming to be son and chela of Mahant Hari Om Bairagi Sadhu. It was claimed that the Thakurdwara owns 33 kanals 10 marlas land and that Mt.Hari Om was appointed Mahant and Mohtmim of the Thakurdwara. He left for some foreign country and ultimately on 30.8.2006, a gathering of Bairagi Saints took place in which Jatinder Pal son of Mt.Hari Om was appointed as Mahant

and Mohtmim of the Thakurdwara. Therefore, declaration was sought that he is the Mahant and Mohtmim of the Thakurdwara and the mandatory injunction was also sought against the defendants, restraining them from interfering in their affairs and interfering in the possession of the Mt.Jatinder Pal over the said Thakurdwara.

Defendants in the written statement had stated that Jatinder Pal is not the son of Hari Om but he is the son of one Paramjit. It was stated that Jatinder Pal has forged and fabricated the alleged writing dated 30.8.2006 in connivance with his father Paramjit who had lost all the cases regarding the suit land. The detail of the suits was also mentioned in the written statement. It was denied that Thakurdwara is of Bairagi Sadhus. It was claimed that the defendant Mandir Sudhar Committee is looking after the affairs of the Thakurdawara. It was registered in the year 2004 and the land of the Thakurdwara and Shiv Mandir was being leased out by the said Committee every year. Jatinder Pal concealed all the previous litigations and stated wrong facts before the Court.

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

Learned counsel for the appellant states that the lower Court disbelieved the writing dated 30.8.2006 on the ground that Photostat copy has been produced and that the original *Bahi* containing the said writing has not been produced. It is stated that before the lower appellate Court application for leading additional evidence was filed which has been dismissed.

I am of the view that the findings of both the Courts below

are required to be affirmed. In addition to said writing there are several other facts which show that Jatinder Pal wanted to grab the property of the Thakurdwara by claiming himself to be its Mohtmim. He claimed that he is the son of Hari Om previous Mohtmim, whereas it is proved that he is the son of Paramjit who was in continuous litigation with the Thakurdwara and had lost all the cases. To prove the gathering of the Bairagi sadhus, some photographs 'Mark A and B' were produced claiming that the gathering took place on 30.8.2006 and the lower Court has observed that the photographs show that everybody therein is wearing winter dress, which is not possible in the month of August. Therefore, story of the gathering of Bairagi sadhus was also disbelieved. This is in addition to concealment of material facts. The findings of facts have been recorded by both the Courts below. No substantial question of law arises.

Hence, the appeal stands dismissed.

19.10.2015
gk

(Kuldip Singh)
Judge