

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

RSA No. 5801 of 2014 (O&M)

Date of decision : 13.7.2015

Gurjant Singh and another

... Appellants

versus

Maingal Dass Mahant Dera Prem Dass, Bajoana

... Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. P.K.S. Phoolka, Advocate, for the appellants.

Rajesh Bindal, J.

The plaintiffs are before this Court against the concurrent findings of facts recorded by both the Courts below whereby the suit filed by them for declaration and permanent injunction was dismissed.

The appellants claimed that the property in dispute was owned by their father Gurdev Singh, who executed a registered Will dated 13.9.1995 in their favour being his natural heirs.

It is not in dispute that Gurdev Singh had renounced the world and had become a *Sadhu*. He was residing at village Bajoana in Dera Baba Prem Dass, which was established by Mahant Prem Dass. After Mahant Prem Dass, Sarwan Dass was appointed Mahant and thereafter Mahant Gurdev Dass was appointed his *chela*. Gurdev Dass had been managing the property of the dera being the Mahant. Gurdev Dass died on 15.9.1995. During his life time vide writing dated 24.3.1995, Gurdev Dass had appointed Mahant Maingal Dass as his *chela*.

Both the Courts below on appreciation of evidence produced by both the parties on record found that the property in dispute was not the personal property of Gurdev Dass rather initially it vested with Dera Baba Prem Dass and then it was transferred in the name of Mahant Sarwan Dass and thereafter it was in the name of Mahant Gurdev Dass Chela Sarwan Dass Dera Baba Prem Dass.

Even as per revenue record, Ex. P2, the property in dispute devolved upon Gurdev Dass, being chela of Mahant Sarwan Dass and not in the name of Gurdev Singh as his personal property. Plaintiff Gurjant Singh while appearing as PW3 admitted that his ancestors owned property only at village Gobindpura. He has also admitted that his father Gurdev Singh did not have any personal property at Village Bajoana. Both the Courts below have rightly held that the property in the name of Mahant Gurdev Dass Chela of Mahant Sarwan Dass Chela Mahant Prem Dass was not the personal property of Gurdev Dass but it is a Dera property and Gurdev Dass had no right to transfer the same by way of Will.

In the light of aforesaid material on record, in my opinion, no illegality has been committed by both the courts below in dismissing the suit filed by the plaintiffs.

No question of law much less a substantial question of law arises in the present appeal. The same is accordingly dismissed.

13.7.2015
vs

(Rajesh Bindal)
Judge