

In the High Court of Punjab and Haryana at Chandigarh

R.S.A.No. 931 of 2014 (O&M)

Date of decision: 5.11.2015

GURNAM DASS AND ANR

.....Appellants

Versus

SAT PARKASH AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Ashok Kumar Khubbar, Advocate,
for the appellants.

Mr. G.S.Rana, Advocate
for Mr.S.S.Rana, Advocate,
for the respondents.

- 1. Whether Reporters of local papers 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?*

Raj Mohan Singh, J.

CM No. 2145-C of 2014

For the reasons mentioned in the application, delay of
22 days in re-filing the appeal is condoned.

Application stands disposed of accordingly.

CM No. 2146-C of 2014

For the reasons mentioned in the application, delay of
1 day in filing the appeal is condoned.

Application stands disposed of accordingly.

R.S.A.No. 931 of 2014

Plaintiffs are in regular second appeal against the

concurrent findings of the Courts below.

Learned counsel for the appellants fairly concedes that two suits were filed in respect of same property. From Civil Suit No. 465 of 2005, the present appeal has arisen. In another suit filed by Om Parkash and others in respect of same property, RSA No. 261 of 2014 had arisen, which was dismissed by this Court vide judgment dated 31.07.2015. The same controversy is involved in the present appeal.

The issues regarding purchase of property in the name of Radha Swami Satsang Bhawan, construction of building thereupon and management of the affairs of the Satsang Bhawan, a body constituted by his Holiness Hazur Dayal Sahab, Chairman of the organization and leaving his physical frame (chola) and holy soul and thereafter, taking charge of Radha Swami by new guru on 16.05.1999 and having majority of old followers and bringing the assets of Radha Swami Satsang Bhawan automatically under the domain of new guru are the issues, which have been considered in the connected appeal. Both the Courts have decided the issue that the earlier order of this Court was interim arrangement which was made to prevent further litigation. No doubt, possession of the property was given to the plaintiffs but that was temporary arrangement subject to result of the main suit. Since, the suit property is standing in the name of the society which belongs to

the defendants, therefore, the Courts below have rightly concluded that no injunction can be granted against the true owner. It is the governing body of the Society which has power to deal with the assets of the society for its better management including user, sale and other beneficial use of the property. Plaintiffs have no authority to challenge the aforesaid right just for the sake of challenge.

In considered opinion of this Court, the impugned judgments rendered by both the Courts below cannot be faulted with.

Consequently, this appeal is totally devoid of merits and the same is accordingly dismissed.

(RAJ MOHAN SINGH)
JUDGE

November 05, 2015

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