

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 144 OF 2015

1. Gurudwara Sri Guru Singh Sabha,
a Society registered under
The Societies Registration Act, 1860,
Through its President,
Cdr. Amrit Pal Singh (Retd.),
having office at Mangor Hill,
Vasco-da-Gama, Goa.
2. Amritpal Singh,
Major of age, Indian National,
President of the Managing Committee
of the petitioner no.1,
Retired Government Servant,
R/at 202, D-Block, Jai Ram Nagar,
Dabolim Goa.
3. Gursharan Singh,
major of age, Indian National,
Secretary of the Managing Committee,
of the petitioner no.1,
in service, r/of 1st Floor,
Dream House, Behind NSD,
Dabolim Goa.
4. Rashpal Singh,
Major of age, Indian National,
Cashier/Treasurer of the Managing
Committee of the Petitioner No.1,
Retd., Government Servant,
Service, r/o 14-E,
Varnapuri, Mangor Hil,
Vasco-da-Gama, Goa
5. Gurdip Singh,
major of age, Indian National,
Sevadar of the Managing Committee,

of the petitioner no.1,
Retd. Government Servant,
r/o 1st Floor, Mangor Hill Valley,
Near Gurudwara,
Vasco-da-Gama, Goa

6. Malkiat Singh,
Major of age, Indian National,
member of the Managing Committee of
the petitioner no.1,
Retd., Government Servant,
r/o 501, Mangor Hill Valley,
Mangor Hill,
Vasco-da-Gama, Goa.
7. J. S. Grewal,
major of age, Indian National,
Member of the Managing Committee of
the petitioner no.1,
Self Employed,
R/o F-1/2, 1st Floor,
Shivsagar Apartments,
Mangor Hill,
Vasco-da-Gama, Goa. Petitioners

V e r s u s

1. The District Registrar and
the Inspector General of Societies,
Office of the Inspector General of Societies,
Osia Commercial Complex,
2nd Floor, "D" Wing, Salcete,
Margao Goa.
2. Shri Tejinder Singh,
Major of age,
r/o 4-A, Amar Apartments,
Behind Sea Scan Maritime Academy,
Airport Road,
Chicalim 403 711,

3. Shri Narinder Singh,
major of age,
R/o S-1, Nersons Building, Vadem,
Vasco-da-Gama, Goa. Respondents

Mr. Preetam Talaulikar, Advocate for the petitioners.

Mr. P. Faldessai, Addl. Government Advocate for the respondent no.1.

Mr. N. Sardessai, Senior Advocate with Ms. N. Shirodkar, Advocate for the respondent nos. 2 and 3.

**Coram:- F. M. REIS &
NUTAN D. SARDESSAI, JJ.**

Date:- 13th October, 2016

ORAL JUDGMENT (Per F. M. Reis, J)

Heard Mr. P. Talaulikar, learned counsel appearing for the petitioners and Mr. N. Sardessai, learned Senior counsel appearing for the respondent nos. 2 and 3.

2. Rule. Heard forthwith with the consent of the learned counsel.

3. Ms. N. Shirodkar, learned counsel waives service on

behalf of the respondent nos. 2 and 3.

4. The matter was heard at length on the last occasion and considering that the dispute was with regard to the management of the committee to run the subject Gurudwara, it was suggested that an independent Arbitrator could be appointed to decide the dispute between the parties on the eligibility of the persons who can be members of the Gurudwara in question. Thereafter, the parties contacted Justice J. H. Bhatia, retired Judge of this Court, whether he would accept to be an Arbitrator to adjudicate the dispute between the parties to finalize the list of the eligible members who can take part in the election process of the subject Managing Committee of the Gurudwara. It was thereafter reported that Justice J. H. Bhatia, retired Judge of this Court has accepted to take such assignment. The parties thereafter sought time to discuss the modalities of the terms of disposing of the above petition. Accordingly, after hearing the learned counsel appearing for the petitioner and the learned Senior Counsel appearing for the respondents upon instructions of their respective parties the learned counsels have filed minutes of the order to dispose of the above petition. There was a dispute between the

parties with regard to Clause 6 of the minutes of order. After hearing both the parties, it was agreed that Clause 6 would be deleted and in substitution by the following Clause.

“Both the parties accept that the present Managing Committee consisting of the petitioner nos. 2 to 7 would continue to run the affairs of the Gurudwara in question subject to the following conditions”.

(i) Such Managing Committee shall not take any major financial decision in respect of the affairs of the subject Gurudwara but only proceed to conduct the day-to-day affairs of the subject Gurudwara and meet the expenses of the festival/religious activities of the subject Gurudwara.

(ii) It was agreed between the parties that such Managing Committee is authorised to spend a sum of Rs.1,40,000/- as mentioned at annexure A produced by the learned counsel appearing for the petitioner during the occasion of the festival from 12th, 13th and 14th November, 2016.

(iii) In case the Managing Committee receives any sponsorship for such festival, the committee shall maintain accounts of such amount in the books of Gurudwara in question.

(iv) The Managing Committee is at liberty to move an appropriate application before the learned Arbitrator in case any further expenses are to be incurred during the pendency of the proceedings or for any further relief with regard to the managing the affairs of the subject Gurudwara.

(v) The two keys of the fund box shall be handed over to the learned Arbitrator.

(vi) The fund box shall not be opened without the permission of the learned Arbitrator.

(vii) The learned Arbitrator after hearing the parties examine the modalities of the opening of the fund box as and when called upon by the Managing Committee of the Gurudwara.

5. The minutes of the order are accepted and taken on record and marked 'X' for identification. Both the learned counsel as such points out that the above petition be disposed off in terms of the minutes of the order and clause 6 which has been substituted in the manner stated herein above.

6. Hence, the petition stands disposed of in terms of the minutes of the order and Clause 6 which has been substituted therein in the manner stated in para 4 herein above. Rule is made absolute in the above terms. Liberty to the parties to apply.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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