

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.2980 of 2016

Date of Decision.28.04.2016

Mahant Surinder Dass Bawa

.....Petitioner

Vs.

Thakar Dwara Khumbra through its alleged Mohtmim and others

.....Respondents

Present: Mr. Malkiat Singh, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

1. After the petitioner has sought for permission to prefer an appeal against the judgment rendered on 24.08.2012 declaring Mahant Arjan Dass as the Mohtmim appointed for Thakar Dawara Khumbra, the petitioner's contention was that he was appointed as Mohtmim during the pendency of the suit in a meeting held on 18.02.2012. If the issue of appointment were to be considered, it will not be possible for the Appellate Court to make any adjudication with reference to his status without evidence therefor. It will only complicate issues which have been already made. The petitioner is at liberty to file his own suit for a declaration that he is Mohtmim by making the plaintiff in the instant suit as a party and if he can establish his appointment through a valid process, he may do so uninfluenced by the judgment delivered on 24.08.2012.

2. The dismissal of the application for grant of relief is

sustained but with liberty given to the petitioner to bring his own suit for declaration of his status as such. The revision petition is dismissed but with the liberty as aforesaid.

(K. KANNAN)
JUDGE

April 28, 2016
Pankaj*