

Civil Revision No.4814 of 2016

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.4814 of 2016

Date of Decision: July 29, 2016

Managing Committee, Udasin Ashram Akhara Nirwansar Trust, Amritsar

...Petitioner

Versus

Mahant Rajinder Das alleged Chela of Mahant Chaturmni of Akhara
Nirwansar, inside Sultanwind Gate, Amritsar & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.B.R.Mahajan, Senior Advocate with
Mr.Prateek Mahajan, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

Petitioner-applicant is aggrieved of the impugned order dated 16.5.2016 (Annexure P-9), whereby the application moved under Order 1 Rule 10 CPC in the proceedings pending before the Lower Appellate Court for revocation of the compromise deed already arrived at between the respondents at the appellate stage, has been rejected.

Mr.B.R.Mahajan, learned Senior Counsel assisted by
Mr.Prateek Mahajan, appearing on behalf of the petitioner-applicant

submits that in a matter before the Lower Appellate Court, the

respondents had arrived at a compromise with regard to two religious places, i.e., one at Amritsar and another at Haridwar on the demise of Mahant Chattarmuni. The religious properties cannot be parted with partition in the manner and mode as has been adopted. The aforementioned act has been challenged by filing an independent suit, which is pending adjudication. Again an application at the instance of the respondent has been moved before the Lower Appellate Court for revocation of the compromise. In those proceedings, the application aforementioned was filed, but the same has been rejected.

He further submits that in order to protect the interest of the religious properties and to thwart the malafide intention of the respondents in arriving at the arrangement, presence of the petitioner is essential and necessary.

I have heard the learned counsel for the petitioner and appraised the paper book.

It is the conceded position on record that the aforementioned judgment and decree has been arrived at appellate stage resulting into compromise, when the civil suit is pending. The petitioner shall be at liberty to raise all the pleas in the aforementioned suit, but not in the manner and mode as has been chosen. Provisions of Order 1 Rule 10

CPC in the misc.proceedings, in my view, at this stage would not apply

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In case some arrangement is arrived, the same can be challenged by seeking amendment or through other provisions under the Civil Procedure Code.

With the aforementioned observations, I do not intend to differ with the findings declining the application.

Revision petition stands dismissed.

July 29, 2016
ramesh

(AMIT RAWAL)
JUDGE