

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.7560 of 2016 (O&M)
Date of Decision: November 10, 2016

Jagtar Singh

...Petitioner

Versus

Dera Baba Teja Singh Trust & others

...Respondents

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

Present: Mr.Arvind Kashyap, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

CM No.22915-CII of 2016

Prayer in the application is for impleading the L.Rs of
respondent No.3, namely, Bhagat Piara Singh.

Allowed subject to all just exceptions for prosecuting the
present revision petition only.

CR No.7560 of 2016

Petitioner is plaintiff in suit Annexure P-2 and defendant No.8
in suit Annexure P-4. Proceedings of suit No.RBT 333 of 2014 sought to be
stayed under the provisions of Section 10 of the CPC on the premise that the
matter in issue is directly or substantially the same. For the sake of brevity,
the reliefs sought in Annexure P-2 and Annexure P-4 subsequent suit read
thus:-

“Annexure P-2

*(A) Declaration to the effect that plaintiff is duly nominated
successor of Late Sant Rasila Ram Ji, Gaddi Nashin Dera
Baba Teja Singh, Saidpur and President of the Trusts i.e.*

defendant no.4 & 5 by means of duly executed will of Sant Rasila Ram Ji dated 24th July 2011 and the defendant no.1 has no right, title or interest whatsoever with the Gaddi of Dera Saidpur or Presidentship of Trusts with a consequential relief.

(B) Permanent injunction restraining the defendants, their agents, assignees, associates and representatives permanently from selling, alienating, mortgaging any of the moveable or immovable properties standing in the name of Dera Baba Teja Singh Trust, Saidpur and Baba Teja Singh Radha Swami Satsang Trust, Saidpur and from withdrawing or otherwise misappropriating funds of both Trusts, lying with various Banks in shape of saving/current/FDR accounts, till the final disposal of suit, be passed in favour of plaintiff and against the defendants along with costs.

Annexure P-4

a) A decree for permanent injunction may kindly be issued in favour of plaintiff Trusts and against the defendants restraining the defendants, their representatives, agents, attorneys, servants and accomplices from making any demonstrations, dharnas, protests, agitations, shouting, slogans taking out processions etc. within the radius of 500 Mts.from the periphery of the Buildings of plaintiff Trusts situated at Village Saidpur, P.O.Bhattike, Tehsil Baba Bakala, District Amritsar, Village Ramwal, Tehsil & District Gurdaspur and Village Kiri Kurd and Village Mehra Kalan, both Tehsil and District Pathankot in any manner whatsoever in order to maintain the peace, maryada and tranquility of the Deras owned & Managed by the plaintiff Trusts and forcibly interfering with the management & control of the affairs of the plaintiff Trusts and its assets and also restraining the defendants from causing any obstructions to the Sangat for visiting the dera in any manner whatsoever.

b) Any other relief which this Hon'ble Court may deem fit & proper in the facts and circumstances of this case may also be

granted.

c) Costs of the suit be also granted to the plaintiff Trusts.”

In both the suits, the plaintiffs are seeking injunction against each other, though in the pleadings, there is reference of the Will, but the fact remains that the prayer is only with regard to injunction. The plaintiffs in Annexure P-4 are also arrayed as defendants No.4 and 5 in Annexure P-2. Instead of setting up the counter claim, they have filed the instant suit.

It has been brought to the notice of this Court by Mr.Kashyap that both the suit are being tried in the same Court and common dates are being given.

Keeping in view the aforementioned position, I am of the view that it is not a case where the provisions of Section 10 CPC are attracted as the matter in issue is not directly or substantially the same.

No ground for interference is made out.

Revision petition stands dismissed.

November 10, 2016
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No