

F.A.O. NO.1324 OF 1994

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

F.A.O. NO.1324 OF 1994

DATE OF DECISION: DECEMBER 21, 2016

S.G.P.C., Amritsar

.....Appellant

VERSUS

S.Basant Singh and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

**Present: Mr. P. S. Thiara, Advocate,
for the appellant.**

None for the respondents.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the order dated 31.03.1994 passed by the Sikh Gurdwaras Judicial Commission, Amritsar, whereby petition under Section 142 of the Sikh Gurdwaras Act, 1925, as preferred by the appellant has been dismissed.

It is the contention of learned counsel for the appellant that no evidence has been brought by the respondents to rebut the reference which has been made by the appellant before the Tribunal. Evidence has been produced with regard to the embezzlement of the amount, which the respondents had collected and, therefore, recovery of ₹9,000/-, as has been sought, should have been accepted and ordered to be so recovered from the respondents.

I have considered the submissions made by learned counsel for

the appellant and with his assistance have gone through the impugned judgement.

The basic requirement, on the basis of which the claim was made, was that permission was required to be taken from the Sikh Gurdwara Parbandhak Committee (for short, "SGPC") prior to carrying out any construction.

If that was so and there was a scheme purported to have been floated for the said purpose, which mandated permission from the SGPC, the said scheme was required to be produced on record, which unfortunately has not been so done. The Tribunal has taken the said aspect into consideration and has concluded as under in Para Nos.21 and 22:-

"The ex-parte arguments were heard at length on 27.4.1993.

The learned counsel for the petitioner committee submits that from the statements of the witnesses produced in the Court and documents exhibited, the case of the petitioner committee is fully proved because there is no evidence in rebuttal. We do not agree with the simple contentions of the learned counsel that we should pass a decree as it is an ex-parte case. We feel that responsibilities of Court become more in ex-parte cases. In this case, the S.G.P.C. Petitioner committee has neither produced nor proved the scheme for the management of the said Gurdwara. So, it is not clear whether the permission was to be sought from the S.G.P.C. by the Gurdwara Committee or not. In the absence of the proof of scheme, we can not hold that it was obligatory that Gurdwara Committee of management to get the permission for expenditure on the Gurdwara.

22. The amount in dispute is only so much Rs.9000/- whereas, in written statement, it is alleged by the respondents that a room was built in the Gurdwara premises according to the wishes of congregation in the Gurdwara. The petitioner committee has not denied the construction of room either in writing or through oral evidence of any of the witness. So, we are satisfied that a room was built in the Gurdwara premises. The cost of the room in no case can be less than the amount claimed by the petitioner committee.”

In view of the above, finding no merit in the present appeal, the same stands dismissed.

**December 21, 2016
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**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No