

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

109

**C.M. No. 17354-CII of 2015 and
FAO No. 5551 of 2015**

Date of decision: August 19, 2016

Shiromani Gurudwara Parbandhak Committee

...APPELLANT

Versus

S.Avtar Singh and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Paramjit Singh Thiara, Advocate
for the appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

C.M. No. 17354-CII of 2015

Prayer in this application is for condonation of delay of 52 days
in re-filing the appeal.

For the reasons mentioned in the application, which is duly
supported by the affidavit of the clerk of the counsel for the
applicant/appellant, the same is allowed. Delay of 52 days in re-filing the
appeal stands condoned.

FAO No. 5551 of 2015

Challenge in this appeal is to the order passed by the Sikh
Gurdwara Judicial Commission, Amritsar dated 21.05.2012, whereby
petition under Section 142 of the Sikh Gurdwara Act, 1925 preferred by the
appellant was partly allowed by holding the respondents negligent in

Member and any other post on the Committee of the Gurdwara for a period of five years. However, recovery, as was sought to be made because of the loss caused to the Gurdwara, was not permitted. It is against this denial of the recovery that the appellant has approached this Court with a prayer for ordering the said recovery from the respondents.

Counsel for the appellant has submitted that the Gurdwara had 18 acres of land, which was not given on lease because of the negligence of the respondents, who are the office bearers and Members of the Gurdwara Committee of Dharamshala Sarkari, Faridkot who were required to give the land on lease so that the land could give certain returns to the Gurdwara Sahib. The loss, which was caused because of the negligence on the part of the respondents, is to the extent of ₹3,42,000/-. He contends that the respondents are, therefore, required to be held liable for the recovery for the loss, which has been caused to the Gurdwara Sahib. He contends that the recovery, therefore, is required to be effected from the respondents.

I have considered the submissions made by the learned counsel for the appellant and with his able assistance, have gone through the impugned order but do not find any ground to interfere with the findings as recorded by the Sikh Gurdwara Judicial Commission vide the impugned order dated 21.05.2012 for the reason that the appellant has failed to establish that there has been any misappropriation of funds by the respondents. For the negligence on the part of the respondents, they have been amply punished vide the impugned order. The order, thus, as passed by the Sikh Gurdwara Judicial Commission, Amritsar dated 21.05.2012 being in accordance with law and based on proper appreciation of the pleadings and the evidence brought on record do not call for any

interference.

Finding no merit in the present appeal, the same stands dismissed.

August 19, 2016
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No