

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

**Regular Second Appeal No.2707 of 2012 (O&M)
Date of Decision: October 24, 2016.**

Gobind Singh and others

.....APPELLANT(s).

VERSUS

Dera Smadh Baba Budh Dass

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Amarjit Markan, Advocate
for the appellant (s).

SURINDER GUPTA, J.

Heard.

Dera Smadh Baba Budh Dass through its Mohatmim Vidya Devi and Vidya Devi as Mohatmim of the Dera filed suit seeking the relief of permanent injunction restraining the appellants-defendants from interfering in the peaceful possession of the Dera over the suit property measuring 6 kanals 10 marlas bearing killa No.140(6-10) situated in village Dharamgarh. The suit was decreed by the Civil Judge (Junior Division), Sunam and the appeal filed by the appellants against that judgment and decree was dismissed by the Additional District Judge, Sangrur. The possession of Dera over the suit property is admitted.

Learned counsel for the appellants-defendants has assailed the findings of the Courts below only on single ground that Vidya Devi died during the pendency of the civil suit. Baldev Kaur @ Baldev Dass was impleaded as her legal heir as Mohatmim of Dera, without proving that she was duly appointed as Mohatmim, as such, no decree could not be passed in

favour of Baldev Kaur @ Baldev Dass.

Possession of Dera over the suit property is not disputed. In the previous litigation, it has been held that Dera is in possession of the suit property through its Mohatmim Vidya Devi. Learned Civil Judge has recorded the finding that property is in possession of plaintiff through defendant No.2 Vidya Devi who is now represented through her legal heir. Neither Mohatmimship of Vidya Devi nor of Baldev Kaur @ Baldev Dass is under challenge or in issue in this case. The Courts below have confined the findings only with regard to possession of the suit property without going into the controversy as to who is Mohatmim of the Dera. If this issue is raised, it will be decided in appropriate proceedings. Admittedly, appellants-defendants have no right to interfere in the possession of the Dera over the suit property, however, the judgment and decree passed by the Courts below, in no manner, affect their right to challenge the Mohatmimship of Vidya Devi or Baldev Kaur @ Baldev Dass, who was impleaded as her legal heir.

No other point has been argued.

On perusal of the record and judgments of the Courts below, I find no legal or factual infirmity therein calling for any interference.

No substantial question of law requiring determination arises in this appeal, which has no merits.

Dismissed.

October 24, 2016
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No