

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

RSA No.2464 of 2016 (O&M)

Date of decision : 15.12.2016

Dharamshala Baba Ghania Dass Gurudwara Committee Amritsar

...Appellant

Versus

Baba Suchman Singh and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.**

Present: Mr. Anil Chawla, Advocate for the appellant.

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**AMIT RAWAL, J. (Oral)**

The appellant-plaintiff is aggrieved of the concurrent findings of fact, whereby suit seeking following relief, has been declined:-

*“Suit for permanent injunction restraining the defendants from leasing out the suit property land measuring 28 kanals 12 marlas bearing khasra No.235, 236/1, 97//21, 22, 19/2, 104/1/1, 63//9/2, 10/1, khata khatauni No.1453/2469 as per jamabandi for the year 2006-07, situated at village Gaggo Mahal, Tehsil Ajnala, Distt. Amritsar, in favour of any other persons and in favour of Bhagwan Singh, Malkiat Singh sons of Amarjit Singh, residents of Village Gaggo Mahal, Tehsil Ajnala, forcibly and illegally.”*

Mr. Anil Chawla, learned counsel appearing on behalf of appellant-plaintiff submits that there is similarity between the names of appellant-plaintiff and that of the respondent-defendants. Under the garb of

the same, they wanted to lease out the property belonging to the appellant-plaintiff. It is in this backdrop of the matter, suit, aforementioned, was filed with pre-emptory measures owing to the multifariousness or hardship. Both the Courts below have committed illegality and perversity in not appreciating the aforementioned fact, thus, judgment and decree are liable to be set aside.

I have heard learned counsel for the appellant-plaintiff and appraised the paper book and of the view that if at all there was similarity, nothing prevented the appellant-plaintiff to move application before the Registrar of Society to seek clarification with regard to the similarity in order to rule out the ambiguity and thereafter could have sought the protection of the Courts qua forcible interference, dispossession much less, any other grievance but not in the manner and mode as has been adopted and rightly so, relief has been declined.

Learned counsel for the appellant-plaintiff has drawn the attention of this Court to the cross-examination of the DW1-defendant No.1 Suchman Singh, where he has failed to disclose if Village Gaggomahal has any Gurdwara known as Dharamshala Baba Ghania Dass or not, much less, any property in same very village situated at distance 35-40 KM.

I am afraid the aforementioned submissions would not help, as the plaintiff has to lead the evidence with regard to the existence of the property of the defendants.

I do not intend to differ with the same.

Accordingly present appeal is dismissed.

**15.12.2016**

*pawan*

**(AMIT RAWAL)  
JUDGE**

**Whether speaking/reasoned:-**

**Yes/No**

**Whether reportable:-**

**Yes/No**