

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No. 2849 of 2017

Date of Decision: 26.7.2017

Guga Rana Mandir Management Committee

---Petitioner

versus

Jarnail Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Tapish Gupta, Advocate
for Ms. Pooja Chopra, Advocate
for the petitioner**

Rekha Mittal, J.

The present petition directs challenge against order dated 15.3.2017 passed by the Civil Judge (Junior Division), Patiala whereby application filed by the petitioner for appointment of local commission has been dismissed.

The petitioner has filed a suit for permanent injunction restraining respondent Nos. 1 to 5 from interfering in the management of Guga Rana Mandir by the Mandir Committee and further restraining respondent Nos. 6 and 7 from registering the committee allegedly headed by respondent Nos. 1 to 5. The instant application was filed that a local commission may be permitted to visit the spot to verify existence of Guga Rana Mandir Management Committee headed by Mahant Amarjit Singh.

The learned trial court, by taking into consideration the provisions of Order 26 Rule 9 of the Code of Civil Procedure has held that

it was of the opinion that there is no such provision to inspect the spot for knowing if the committee is managing the affairs of Guga Rana Mandir or Guga Mari Mandir. It is further held that the plaintiff has to prove its own case by adducing evidence and court cannot assist a party to collect evidence.

Counsel for the petitioner would submit that no prejudice shall be caused to the respondents if a local commission is appointed. The report submitted by the local commission would rather facilitate in elucidating the matter in dispute.

I have heard counsel for the petitioner, perused the paper book particularly the order impugned but find that the petition sans merit and deserves to be dismissed.

As per the settled position in law, process of the court cannot be used as a device to collect evidence for a party. The petitioner cannot seek assistance of the Court to collect evidence if the affairs of Guga Rana Mandir or Guga Mari Mandir are being managed by a managing committee or Mahant Amarjit Singh through whom the present suit has been filed.

For the foregoing reasons, the petition fails and is accordingly dismissed. Nothing stated hereinbefore shall cause prejudice to the petitioner at the time of final adjudication of the matter.

(Rekha Mittal)
Judge

26.7.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No