

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

**EFA No.4 of 2012**

**Date of Decision: 18.08.2017**

**Gram Panchayat Ghanour Jattan  
Vs**

**.....Appellant**

**Shrimoni Gurdwara Parbandhak committee and another  
.....Respondents**

**CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. Sandeep Khunger, Advocate  
for the appellant.

Mr. P.S. Thiara, Advocate  
for respondent No.1.

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**RAJ MOHAN SINGH, J.(Oral)**

[1]. During course of arguments, it has been revealed that EFA No.7 of 2003 arising out of controversy between the parties was decided by this Court on 08.09.2011. The case was remanded back to the executing Court for fresh decision on the objections preferred by the appellant therein after hearing both the sides in accordance with law.

[2]. It was noticed that the parties have already led their respective evidence before the executing Court and if any of the party wanted to lead additional evidence, the same was to be allowed by the executing Court in accordance with law. Both the parties were directed to appear before the executing Court on

12.10.2011. It was also noticed that Mahant Ram legal representative of Mahant Mehar Singh had not preferred any appeal, therefore, he was not entitled to press any objection.

[3]. In pursuance of the remand order, the order dated 09.02.2012 came to be passed by the executing Court.

[4]. Learned counsel for the appellant submitted that the appellant/objector has specifically pleaded in the objection petition that the execution petition filed on 03.01.2001 for execution of a decree dated 20.07.1972 passed by Sikh Gurdwara Tribunal is barred by limitation. This objection was duly noticed by the executing Court in para No.2 of the order, but ultimately the executing Court has not adverted to the objection and objection has gone unanswered.

[5]. Learned counsel for the respondents vehemently contended that in view of Sections 36 and 37 of the Sikh Gurdwara Act, 1925, the orders passed by the Tribunal are orders in rem and the petitioner has no locus standi to challenge the same in individual capacity and the petitioner has no right or interest in respect of the suit land. In reply to the objections, the respondent has taken specific objection with regard to locus of the objector in maintaining the objections before the executing Court.

[6]. In view of above, I deem it appropriate to remand this case to the executing Court for fresh decision as per objections raised by the appellant as well as stand taken by the respondent in the reply to the objections in accordance with law.

[7]. In view of above, the order dated 09.02.2012 is set aside. The case is remanded to the executing Court for fresh decision in accordance with law without being influenced by any observation made hereinabove. Both the parties are directed to appear before the executing Court on 14.09.2017.

[8]. Disposed of accordingly.

August 18, 2017.

**(RAJ MOHAN SINGH)**  
**JUDGE**

*Prince*

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No