

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

FAO 3532/2013(O&M)
Date of decision:08.08.2017

Dilbagh Singh

.....Appellant

v.

S.Navdeep Singh and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Amarjit Markan,Advocate assisted by
Mr.Kanwal Goyal,Advocate for the appellant.

Mr.SS Mattewal,Advocate for respondents 2,4 and 5

Mr.Ajaib Singh,Advocate for respondents 6 and 7.

Jaswant Singh,J,(Oral).

Appellant Dilbagh Singh filed a petition under Section 142 of the Sikh Gurudwara Act,1925 with the grievance that S.Kulwant Singh had been illegally declared as President of the Managing Committee of Gurudwara Sri Nanaksar Sahib,Verka, Tehsil and District Amritsar at the instance, political influence and coercion of supporters of Shiromani Akali Dal led by Dr.Dalbir Singh, after S.Baldev Singh/ respondent no.4 had been duly elected by a majority vote of 3:2 by the Returning Officer. Inter alia the defence taken was that (i) S.Dilbagh Singh had no locus to maintain the complaint as Baldev Singh himself in the written statement had supported the election of Kulwant Singh; (ii) nature of the complaint being that of an election petition, no complaint under Section 142 of the Sikh Gurudwara Act,1925 was maintainable; and that (iii) proper forum was to file an election

petition before the Election Tribunal, which had not been availed.

The Sikh Gurudwara Judicial Commission vide impugned order dated 15.11.2012 dismissed the complaint holding that Dilbagh Singh, appellant had no locus to maintain the petition under Section 142.

At the time of hearing learned counsel for the appellant submits that in the light of a notification dated 7.4.2010 issued by the Central Government declaring the Gurudwara Nanaksar, Verka to be a notified Gurudwara under Section 85 of the 1925 Act and therefore, the management of the Gurudwara vested in the SGPC and the said elected Committee having ceased to exist with effect from the said date, the appeal has become infructuous. Similar is the stand on behalf of the respondents.

In view of the above, dismissed as infructuous.

08.08.2017
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No