

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

RSA No.5738 of 2016 (O&M)

Date of decision : 20.12.2017

Ram Dass Chela Prem Chand

...Appellant

Versus

General Public and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Robin Dutt, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

CM No.15047-C of 2016

For the reasons stated in the application, which is supported by an affidavit, the application is allowed.

Deficiency in the Court fees has been made good. Delay, if any is condoned.

CM No.15048-C of 2016

For the reasons stated in the application, which is supported by an affidavit, delay of 39 days in refiling the appeal is condoned.

Application is allowed.

Main Case

The plaintiff-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below.

The plaintiff had filed a suit for declaration claiming himself to

be declared as Mohtmim/Manager of Murti Thakur Ji installed in Mandir Thakurdwara alongwith agricultural land measuring 103 kanals and 16 marlas.

On the other hand, it was the case of the defendant which is a Managing Committee constituted by the villagers that the plaintiff was never appointed Mohtmim or Manager of the aforesaid religious place.

Both the Courts below after appreciating the evidence available on the file have recorded a finding of fact that it is the Managing Committee which is managing the affairs of the Thakurdwara i.e. the religious place and the plaintiff or his predecessors are not proved to be Mohtmim or managers of the Thakurdwara Ji.

I have heard the learned counsel for the appellant at length and with his able assistance gone through the judgments passed by both the Courts below as well as the record of the trial Court.

It is not in dispute that in the jamabandi for the year 1909-10, Madho Dass Chela Nar Singh Dass was shown only in the cultivation column as *Dholidaar* (*Dholidaar* is normally a grant given by the proprietors/Gram Panchayat in lieu of the services rendered by the aforesaid person). In the subsequent record, the entry is as *Khidmat Gujaar* i.e. (obedient servant). The plaintiff has failed to produce any evidence on file to prove that his predecessors were ever Mohtmim or Manager of the religious institution.

Learned counsel for the appellant could not point out any mis-reading or non-reading of the evidence placed on file. No other argument was raised.

In these circumstances, no ground for interference is made out.

Regular Second Appeal is dismissed.

All the pending miscellaneous applications are disposed of, in view of the aforesaid judgment.

20.12.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No