

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR 783 of 2018 (O&M)
Date of decision: 06.02.2018

Mandir Mukat Dass Ji Maharaj

.....Petitioner

versus

Kanhiya and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Rajiv Sharma, Advocate for the petitioner

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Petitioner is aggrieved of the order dated 7.10.2017, passed by learned Civil Judge (Junior Division), Palwal, vide which, application filed by the petitioner under Order I Rule 10 CPC 1908 was dismissed.

It comes out that Kanhiya and 20 other persons have filed a suit against Prajapati Samaj Samiti through its President Shankar Dass as well as Shankar Dass, President of the said Samiti. The said Samiti is a registered society which is running the affairs of the temple Mandir Mukut Dass, situated at Darbar Ka Kuan, Palwal. During pendency of the said suit, present petitioner claims that he is the Mahant of Mandir Mukut Dass and is a necessary and proper party.

I have heard learned counsel for the petitioner and have also carefully gone through the file.

The perusal of the impugned order shows that suit is for declaration and permanent injunction against the said Samiti, which is a

registered society. It also comes out that earlier, the present applicant claiming to be Mahant of the said temple had filed a civil suit against Pappu and others for declaring him to be sole owner in possession of the said property. Suit was dismissed. Civil Appeal as well as Regular Second Appeal was also dismissed. Therefore, in the previous suit, though against different persons, the present petitioner failed to prove that he is the Mahant of the said temple. Basically, what the present applicant wants to prove is that he is the Mahant of the temple and therefore, he is managing the affairs of the temple and he is a necessary party. He has not filed any suit against the said Society, which is registered society, claiming that he has got a right to run the affairs of the temple. Therefore, at this stage, the trial Court rightly held that the suit can be decided without the presence of the present applicant. If the present applicant wants to establish some right as Mahant, he is always at liberty to file a separate suit against the said Samiti. There is no illegality or infirmity in the impugned order.

Consequently, the present revision petition stands dismissed.

06.02.2018

gk

**(Kuldip Singh)
Judge**

Whether speaking/ reasoned:	Yes
Whether Reportable:	No