

234

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-8655-2015

Date of decision : 30.04.2018

Shivala and others

... Petitioner(s)

Versus

Pritpal and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Arun Takhi, Advocate
for the petitioner.

Mr. K.S. Cheema, Advocate
for respondent No.1.

Mr. Gurmeet Singh, Advocate
for respondent Nos.2 and 3.

AMIT RAWAL, J. (ORAL)

The present revision petition is directed against the order dated 04.11.2015 (Annexure P-9) passed by the lower Appellate Court, whereby the status quo order dated 21.07.2015 (Annexure P-8) passed by the trial Court in a suit claiming following relief, has been set aside:-

“Suit for declaration to the effect that plaintiff No.1 Shivala is owner in possession of the total land measuring 25 kanal 13 marlas as per the hibba name in favour of Lord Shiva (Shivala) and same is a common religious property and is being used by the worshipers, devotees/passersby, denoted as “Shivala Va Sarai” in the revenue record comprised in Khewat No.1067, Khatuni No.1266 Khasra Nos.736(1-19), 838 (1-0), 844(0-7), 845(10-13) 849(9-4), (5-0) (4-4), 850 (0-10), Khewat No.1267

838//(2-0) Gair Mumkin Sarai Hadbast No.358, situated within the revenue estate of Bahadurpur, Tehsil and District Hoshiarpur as per the farad jamabandi of the year 2007-2008 out of which Gair Mumkin Mandir is situated over land measuring 5 kanals falling in khasra No.849(9-4) as is as shown in Blue in colour marked as EFGH in the site plan attached and Sarai is situated over 2 kanal shown as mark MNOPQR of land falling in khatuni No.1267, Khasra No.838 (min) and remaining Chahi in nature and that defendants have no right or title as alleged trust created by defendant No.1 and others on the name of plaintiff No.1 is null and void and has no existence in the eyes of law as the same is created just to garb the property of plaintiff No.1 and defendants have no right to act as the alleged trustees and entries in the revenue record regard the alleged trust deed is null and void.

And suit for permanent injunction restraining the defendants their agents, attorney, assignees, legal representatives etc from claiming any right/ownership bearing Khewat No.1067 Khatuni No.1266 Khasra Nos.736 (1-19), 838(1-0) 844 (0-7) 845 (10-13) 849 (9-4) (5-0) (4-4) 850 (0-10), khewat No.1267 838// (2-0) Gair Mumkin Sarai Had bast No.358 and from creating any hindrance in performance of pooja and other religious functions, bhandara of Shivratri, Janamastmi Ramnaumi etc or religious function, Jagrata ceremonies performed by worshipers and others bearing Khewat No.1067, Khatuni No.1266 Khasra Nos.736 (1-19), 838(1-0) 844 (0-7) 845 (10-13) 849 (9-4) (5-0) (4-4) 850 (0-10), khewat No.1267 838// (2-0) Gair Mumkin Sarai Had bast No.358 and from interfering in the ingress and outgress of the worshipers of plaintiff No.1 and passerby in the mandir, public sarai shown as MNOPQR yellow in the colour in the site plan and restraining the defendants from close the doors, windows of the gate of the public sarai and also restraining the defendants from creating any obstruction in the use of the

public sarai at any time and also restraining the defendants from threatening the worshipers, devotees, plaintiffs to affix the BOARD OF HANDARA, JAGRATA AND BOARD OF PUBLIC SARAI over the wall of the Bhutrigi Mandir and Sarai and from interfering in the peaceful and lawful possession of plaintiff No.2 in rooms Read in colour shown as ABCD in colour in the site plan attached being Mahant/Pujari, by using any kind of criminal force.

And suit for mandatory injunction directing the defendant No.1 to vacate the public sarai premises in dispute marked as MNOPQR in the site plan attached situated in front of the LORD SHIVA MANDIR known as "Bhootgiri Mandir".

Learned counsel for the parties are *ad idem* that instead of addressing the issues on merits, a direction be issued to the trial Court to decide the suit as expeditiously as possible.

Without commenting upon the merits and demerits of the case, I deem it appropriate to issue a direction to the trial Court to decide the suit after affording 3-3 effective opportunities to the parties as expeditiously as possible preferably within a period of six months from the date of the receipt of the certified copy of this order.

While upholding the impugned order, under challenge, the present revision petition is disposed of.

30.04.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**