

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

RSA No.63 of 1990 (O&M)
Date of decision : 01.02.2018

Mohinder Singh and another

...Appellants

Versus

Mahatma Gurmukh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Jain, Advocate for the appellants.

Mr. Prateek Gupta, Advocate for the respondents.

ANIL KSHETARPAL, J. (ORAL)

The defendants-appellants are in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below while decreeing the suit filed by the plaintiff for declaration claiming that he is managing the affairs of Dera Ennami Dham Sacha Sauda situated at Village Ghukanwali, Tehsil Dabwali, District Sirsa.

The plaintiff claimed that he is managing the affairs of the aforesaid Dera and the defendants should be restrained from interfering and dispossessing the plaintiff.

The defendants had contested the suit and stated that the plaintiff is not *chela* of Baba Satnam Singh who use to come for the religious purposes. It was further pleaded that the resident of the village had constituted a Committee to manage the affairs of the Dera and defendant

No.1 is in possession of the land as President of the aforesaid society. It was further pleaded that in fact the Dera has been erected by the residents of the village.

Both the Courts below after appreciating the evidence available on the file decreed the suit filed by the plaintiff after noticing that the electric connection of the tubewell is in the name of the plaintiff and the plaintiff is shown as *karinda* of the Dera in the order passed by the Competent Authority on 22.04.1975. Still further, even in the year 1985, it is the plaintiff who had represented the Dera. The defendants-appellants were nowhere in the picture. The Courts further recorded a finding that the defendants have failed to produce any evidence to show that any Committee was constituted or defendant No.1 was ever elected as President thereof.

This Court has heard the learned counsel for the parties at length and with their able assistance gone through the record of the case.

Learned counsel for the appellants has vehemently argued that the plaintiff-respondent has failed to produce any evidence to show that he was ever appointed as Manager of the Dera. He submits that this was sine quo non before a suit could be filed.

On the other hand, learned counsel for the respondent-plaintiff has submitted that the defendants have failed to produce any evidence. The plaintiff has been recorded as a *Karinda*/Manager at least in two documents i.e. in the year 1975 and in the year 1985. He further submitted that electric connection is also in the name of the plaintiff.

In the considered opinion of this Court, there is no ground to interfere with the concurrent findings of fact arrived at by both the Courts

below.

The Court has only granted the declaration that the plaintiff is in possession of the land and Dera in dispute keeping in view the evidence available on the file i.e. electric connection and orders Ex.P2 dated 22.04.1975 and subsequently in the year 1985 showing that it was the plaintiff who was representing the Dera. At that time, there was no dispute between the parties.

In view thereof, there is no ground to interfere.

Regular Second Appeal is dismissed.

01.02.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No