

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

**RSA No.2181 of 1995 (O&M)
Date of Decision:13.08.2018**

Mahant Om Parkash Dass Chela Mahant Dharam Dass

...Appellant

Versus

Inder Dass and others

...Respondents

RSA No.2182 of 1995 (O&M)

Mahant Om Parkash Dass Chela Mahant Dharam Dass

...Appellant

Versus

Inder Dass and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Tarun Veer Vashisht, Advocate for the appellant.
Mr.Suvineet Sharma, Advocate for respondent No.1.

ANIL KSHETARPAL, J. (ORAL)

These two appeals shall stand disposed of by a common judgment, as parties in both the appeals are common and the learned first appellate court had decided both the appeals by a single judgment.

Dispute in the present case is with respect to Mahant/Mahatmimship of Gurudwara Sahib, Nanhera. Appellant Om Parkash claimed that he was disciple of original Mahant Dharam Dass, who had executed a testament-Will in his favour on 4.7.1986.

On the other hand, Inder Dass contested the suit and pleaded that the plaintiff is not disciple of Mahant Dharam Dass. The property belongs to a Dera, which is of Udasi Dera Religious place) and on 21.11.1986 after the death of Dharam Dass, in the congregation of 32 Mahants and 100 devotees, which is commonly known as Bhaikh, Inder Dass was appointed as Mahant. It was further pleaded that Dharam Dass was also appointed in the similar manner on 29.3.1959. The defendant further pleaded that the aforesaid Bhaikh was held under the chairmanship of Mahant Basant Dass, Dera, Udasian Duggal.

Both the courts below, after appreciating the evidence, have found that Om Parkash, the appellant, was not disciple of Dharam Dass and in fact he was working as a Driver in the Punjab State Electricity Board, Nabha, residing in a different Dera, i.e. Dera Dharam Dass Pucca Talab. The courts further found that Om Parkash is a married man having children. Both the courts have further found that the appointment of Inder Dass through Ex.D1, the writing dated 21.11.1986, has been proved on file.

Learned counsel for the appellant has submitted that since Mahant Dharam Dass was individual owner of land measuring 156 kanals, therefore, at least property to that extent would stand bequeathed in his favour. Learned counsel for the appellant, when confronted with the findings of first appellate court to the effect that the aforesaid testament does not refer to any individual property of late Shri Dharam Dass, he read over the testament in open Court. He admitted that the aforesaid testament does not refer to any individual property of the erstwhile Mahant.

Still further, learned counsel for the appellant could not draw attention of the Court to any error in the judgments passed by both the courts below.

In view thereof, there is no ground to interfere with the findings of fact arrived at by the courts below. Regular Second Appeal is dismissed. Pending application(s), if any, shall also stand disposed of.

13.08.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No