

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

RSA No.3784 of 2016 (O&M)

Date of decision:06.12.2018

Gurudwara Shri Tokha Sahib and others ... Appellants

Vs.

The Kalgidhar (Charitable Trust) Gurudwara Sahib and others
... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. R.S.Randhawa, Advocate
for the appellants.

AMIT RAWAL J. (Oral)

C.M.No.9849-C of 2016

For the reasons stated in the application which is duly supported by an affidavit, delay of 24 days in re-filing the appeal is condoned.

C.M. stands allowed.

C.M.No.9850-C of 2016

For the reasons stated in the application which is duly supported by an affidavit, delay of 13 days in filing the appeal is condoned.

C.M. stands allowed.

RSA No.3784 of 2016 (O&M)

The appellant-plaintiffs have not been successful before both the Courts below in claiming declaration by challenging the lease deed dated 04.02.1997 allegedly executed by defendant no.3 in favour of

defendant no.1 for a period of 99 years.

It was alleged that defendant no.3-Harvinder Singh claimed himself to be Special Secretary of the Gurdudwara Committee, whereas, the resolution on the basis of which he derived the power of granting him to execute the lease deed was with a rider of obtaining prior permission from the Deputy Commissioner. In the absence of un-registered lease deed for a period of 99 years, he was incompetent and therefore, not valid in law.

I am afraid the aforementioned arguments are not sustainable, for, concededly, on execution of the lease deed, the suit was filed in the year 1998 without termination of the lease deed. In the testimony of the witnesses of the plaintiffs, it has come on record that no election of the Committee or any registered Society, had taken place, though the Society was registered in the year 1996 under the Society Registration Act.

Be that as it may, on the lease land, the school is being run having admission of various children. This fact is a noble cause, therefore, in the absence of any plausible leave competence, cannot be challenged. The plaintiffs may have an independent remedy against the lessors, in accordance with law but not in the manner and mode as indicated above, particularly in view of the resolutions, Ex.D65 and Ex.D66.

No ground is made out for interference in the impugned judgments and decrees much less no substantial question of law arises for adjudication of the present appeal.

The appeal stands dismissed.

(AMIT RAWAL)
JUDGE

December 06, 2018
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No