

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

RSA No.509 of 2016 (O&M)

Date of decision : 23.10.2018

Singh Vahini Thakurdwara Bham Society and another

...Appellants

Versus

Shri Mukesh Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Keshav Pratap Singh, Advocate for the appellants.

ANIL KSHETARPAL, J. (ORAL)

The plaintiffs-appellants are in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below dismissing their suit for permanent injunction restraining the defendants from making an opening towards temple, taking over the possession and also the management of the temple.

The defendants contested the suit and pleaded that it is the predecessor of defendant No.1 namely Subhash Chand and Hari Chand who had established this temple and at present it is being managed by Thakurdwara Social Welfare Society.

Both the Courts have found that the plaintiff has failed to establish that plaintiff No.1-Society is managing the affairs of the religious establishment. Neither any account books have been produced nor any other reliable evidence except oral statement of the witnesses has been produced.

On appreciation of the evidence, the Courts have found that the plaintiffs have failed to prove their case. It has also come on record that the alleged Mahant namely plaintiff No.2 is, at present, residing abroad. The finding of fact arrived at by the Courts below is neither shown to be perverse nor suffering from any error. Still further, none of the plaintiff has stepped into the witness-box.

Hence, there is no ground to interfere with the concurrent findings of fact arrived at by both the Courts below.

Regular Second Appeal is dismissed.

23.10.2018

Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**