

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

RSA No.6162 of 2016 (O&M)

Date of decision: 09.07.2018

Darshan Kumar

..... Appellant

Versus

Bharat Bhushan and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. S.K. Arora, Advocate
for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-appellant is in the regular second appeal against the concurrent finding of fact arrived at by the Courts below.

Plaintiff filed a suit under Section 92 of the Code of Civil Procedure claiming that defendants No.1 to 4 have no right to manage Mandir Devi Dawara Committee. The plaintiff also claimed that he continues to be office bearer of the Mandir Devi Dawara Committee. Apart from the temple which is built in Khasra No.538, there is adjoining agriculture land measuring 155 kanals 10 marlas which appears to be the real bone of contention.

Both the Court after examination of evidence available on the file have concurrently found that the plaintiff is neither in the possession of temple nor of the agriculture land. The plaintiff has also not produced on record any statement of account or any other record to prove that the property was or is being managed by the plaintiff. Both the Courts have

further noticed that the plaintiff earlier also filed a suit when the defendants had got registered as a society to manage the affairs of the religious institution. The aforesaid suit was dismissed. In appeal, the plaintiff withdrew the suit with permission to file a fresh one on the same cause of action. However, rather than filing a suit on the same cause of action, the plaintiff filed the present suit. The Courts have further noticed that the plaintiff has failed to prove that he ever remained President of the Managing Committee after the year 2005-06.

Keeping in view the aforesaid findings which are neither shown to be perverse nor result of any misreading or non-reading of evidence, this Court does not find any good ground to interfere with the concurrent finding of fact arrived at by the Courts below.

Appeal is dismissed.

09.07.2018

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No