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

CR No. 1640 of 2019

Date of Decision: 08.03.2019

Jasvir Kaur and others

-Petitioners

Vs

Baba Jogi Peer Trust Village Ralla and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Anutej Singh Barnala, Advocate,
for the petitioners.

RAJ MOHAN SINGH, J. (ORAL)

Perusal of the record shows that earlier Civil Revision No.6271 of 2017 and Civil Revision No.1413 of 2019 were dismissed as withdrawn by this Court on 13.11.2017 and 28.02.2019 respectively.

A civil suit was filed by Darshan Singh Chahal, Jagsir Singh Chahal and Mithu Singh Chahal for declaration in respect of affairs of alleged trust.

An application under Order 39 Rules 1 and 2 CPC filed along with the plaint was allowed by the trial Court vide order dated 01.03.2017. Defendants No.1,2,3 and 5 through trust were restrained from interfering in the working of Baba Jogi Peer Trust Village Ralla through its trust members and the Gram

Panchayat was allowed to collect donation, open the donation box, collection of rent of land and shops and also held it responsible for day to day working of Baba Jogi Peer Trust with other land except in due course of law.

An appeal was preferred by the defendants including the present petitioners.

During course of arguments, learned counsel for the petitioners submitted that the petitioners were never the signatories to the Memorandum of Appeal filed before the lower Appellate Court.

In the appeal proceedings, plaintiffs made a statement that they have no objection in case the appeal filed by the State is accepted. As a consequence of such statement, lower Appellate Court accepted the appeal by setting aside order dated 01.03.2017.

Since the petitioners were neither the plaintiffs nor appellants before the lower Appellate Court (they have specifically denied their status as being of appellants for want of signatures on Power of Attorney).

In view of aforesaid position, petitioners have no locus to assail the order dated 22.08.2017 passed by Additional District Judge, Mansa vide which order dated 01.03.2017 passed by the trial Court on the application under Order 39

Rules 1 and 2 CPC was set aside.

This is more so in view of the fact that earlier attempts made by the Gram Panchayat on two occasions have entailed in dismissal of revision petitions as withdrawn.

No ground is made out to interfere in this revision petition.

Dismissed.

08.03.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No