

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

CR No.2642 of 2019 (O&M)

Date of Decision: 27.11.2019

Kulwant Singh and others

..... Petitioners

Versus

Tarsem Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Vipin Mahajan, Advocate
for the petitioners.

Mr. Deepak Arora, Advocate
for the respondent.

SUDIP AHLUWALIA J. (ORAL)

This revision is directed against the order passed by the Ld. Additional District Judge, Gurdaspur on 16.03.2019 (Annexure P-6).

2. Vide the impugned order, the Ld. Court below had set aside an earlier order passed by the Ld. Civil Judge (Junior Division), Gurdaspur on 27.11.2018 (Annexure P-5), vide which the application of the respondent for temporary injunction under Order 39 Rules 1 & 2 of the CPC was dismissed.

3. The Ld. Lower Appellate Court, however, reversed the decision of the Ld. Trial Court by observing *inter alia*, "*Record perused. From the perusal of record and documents placed on record it reveals that plaintiff/appellant has produced the photographs and copies of marriage Register to prove that he is serving as Granthi in the*

Gurudwara. The respondents have failed to show any document to rebut the documents produced by the appellant/plaintiff. They are not having any Register. They have failed to produce any document to falsify the claim of appellant. In the considered opinion of this court plaintiff has proved prima face case and balance of convenience in his favour. Plaintiff has alleged that the respondents want to grab the funds of Gurudwra and he raised voice against the same due to which respondents have connived with each other. Taking into consideration all these facts and circumstances of this case and the documents placed on record by the plaintiff/appellant, without commenting anything on merits of this case, the present misc. Civil appeal is allowed, the impugned order dated 27/11/2018 passed by learned lower court is set aside and the defendants/respondents are restrained from stopping, creating any type of interference or hindrance in performance of religious work/Path by the plaintiff as Granthi in Dashmesh Darbar Gurudwara Sahib, illegally and forcibly till the decision of the suit.”

4. The petitioners/defendants in the Suit have sought to impeach the decision by drawing attention of the Court to the document being copy of the decision dated 25.05.2018 (Annexure P-7), according to which, the decision to terminate the appointment of the respondent was collectively taken, and that the respondent was himself a signatory to the said decision. Annexure P-8 is a copy of the Resolution No.17 dated 31.05.2018, according to which, the respondent had left the services of the Gurdwara Dashmesh Darbar Sahib Ji, on that date, on his own free will, while Annexure P-9 happens to be the subsequent Resolution No. 20 dated 05.07.2018 vide which one Gurmeet Singh was appointed as “Paathi

Giani” in the Gurdwara Sahib.

5. It has, however, been submitted on behalf of the respondent that the document (Annexure P-9) pertains to a period after the Suit had already been filed while the other two documents (Annexure P-7 and P-8) were never placed on record either before the Ld. Trial Court or even the Ld. Lower Appellate Court.

6. This being the position, this Court finds no reason to interfere with the decision of the Ld. Lower Appellate Court which had reversed the Ld. Trial Court's decision rejecting the prayer for temporary injunction after observing that the appellants/present petitioners had failed to place on record any document in support of their contentions. Documents now be placed before this Court were inexplicably withheld from the Ld. Lower Appellate Court.

7. For the aforesaid reasons, this Court finds no impropriety in the reasoning and decision of the Ld. Lower Appellate Court, therefore, the present petition is dismissed.

8. Ld. Trial Court is, however, now directed to expedite the trial of the Suit as far as practicable and make endeavour to dispose off the same in accordance with law preferably within a period of ten (10) months from the date of communication of this order.

(SUDIP AHLUWALIA)
JUDGE

November 27, 2019

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No