

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

**CR-2778-2019 (O&M)
Date of decision : 15.5.2019**

Udey Singh

..... Petitioner

Versus

Mandir Jagan Nath (Samadha) and another Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ashok Arora, Advocate for the petitioner.

KULDIP SINGH, J.

Heard.

Petitioner is aggrieved by the order dated 27.2.2019, passed by learned Civil Judge (Junior Division), Hansi vide which an application filed by Mahant Baba Chanden Puri Chela Baba Budh Puri under Order I Rule 10 of the Code of Civil Procedure was allowed.

It comes out that plaintiff has filed a suit for declaration against Mandir Jagan Nath (Samadha), Hansi through its Mahant and Muntjim baba Pancham Puri Chela Baba Budh Puri Chela Baba Ravi Puri for declaration to the effect that compromise dated 23.12.2015 (Ex. C-1) and judgment and decree dated 19.10.2016 passed by learned Civil Judge (Junior Division), Hansi is illegal and result of fraud.

In the written statement, it has been pleaded that the said Mahant and Muntzim Baba Pancham Puri had misconducted himself. His appointment was not according to custom and religion, therefore he was removed from the Mahantship in the meeting held on 12.8.2017 and now

Chanden Puri Chela Budh Puri was declared Mahant and Manager of Mandir Jagan Nath Puri at Hansi after performance of requisite ceremonies. The dispute regarding Mahantship is *inter se* between the Mahants. Considering the stand taken by the Mandir in the written statement, the presence of the applicant is necessary. Under Order I Rule 10 of the Code of Civil Procedure, the Court can always add a person as party, whose presence is considered necessary for effectively and completely adjudicate upon the controversy.

The allegations in the application are that plaintiff-Udey Singh has colluded with Baba Mahant Pancham Puri Chela Baba Budh Puri who has lost interest in the Mandir on account of his removal.

In view of the mater, presence of the applicant-Mahant Baba Chanden Puri Chela Baba Budh Puri is necessary for effectively and completely deciding the controversy involved in the case.

Therefore, I do not find any illegality or infirmity in the impugned order dated 27.2.2019, passed by learned Civil Judge (Junior Division), Hansi.

Dismissed.

(KULDIP SINGH)
JUDGE

15.5.2019
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Whether speaking / reasoned
Whether Reportable:

Yes
No