

CR No.5289 of 2019
Date of Decision: 2.9.2019

Gurtej Singh

.....Petitioner

Versus

S. Jujhar Singh and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Aminder Singh, Advocate, for the petitioner.

Mr. B.S. Guliani, Advocate and
Mr. P.S. Guliani, Advocate, for the Caveator.**NIRMALJIT KAUR, J. (ORAL)**

The present revision petition has been filed against the order dated 1.8.2019, although erroneously it is mentioned as dated 11.4.2019, which was in fact the date of the institution of the said petition under Section 142 of the Sikh Gurdwara Act, 1925 (for short, 'the Act'), vide which, a receiver has been appointed for the purpose of performing the duty towards the Gurudwara. While doing so, respondent No.1, i.e. the present petitioner Gurtej Singh was restrained from working as President and member of the Gurudwara Patshahi Nauvin Village Farwahi.

While praying for setting aside the said order, learned counsel for the petitioner has taken this Court through the various provisions of the Sikh Gurdwara Act, 1925 especially Section 87 (b). It is stated that perusal of the said Act does not debar a person, who has been convicted, from performing the duty or being nominated or elected as the member of the Gurudwara and nor can he be denied to continue to manage the Gurudwara in the absence of the coram.

Be that as it may, the fact that the present petitioner was handed over the management after almost 7 years of having remained away on

account of his being in judicial custody. The Additional Secretary of SGPC could not have simply handed over the charge to the petitioner, especially when he was admittedly elected in the year 2006 for five years and five years have lapsed since long. No fresh elections have taken place.

At this stage, learned counsel for the petitioner, on instructions from the petitioner, who is present in Court, submitted that he does not wish to press the present petition but he be allowed to construct the Darbar Hall by his own contribution, the contribution from the village and the contribution from the funds, if deemed fit and permissible under the rules by the concerned receiver.

This Court finds no reason as to why the said prayer cannot be honoured. Accordingly, the petitioner be allowed to participate in the construction of the Darbar Hall subject to the supervision by the concerned receiver. All the funds whether contributed by the petitioner or by the villagers shall be deposited under the funds specifically for the purpose of construction of the Gurudwara Hall and shall be monitored by the concerned receiver, who shall be liable for explanation of the expenditure of the said fund in accordance with rules applicable.

In case of dispute qua the construction of the building, the decision of the receiver shall be final to the said extent. The respondent herein shall also not cause any unnecessary interference and cooperate keeping in mind the Maryada of Gurudwara.

Disposed as above.

(NIRMALJIT KAUR)
JUDGE

2.9.2019
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No