

RSA- 2341 of 2013(O&M)
Date of Decision: 11.3.2019

Kailash Mandir (Hathi Khana)

---Appellant

versus

Baba Gopal Dass and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. R.K.Sharma, Advocate
for the appellant
Mr. Divanshu Jain, Advocate,
for Mr. Akshay Jindal, Advocate
for respondents No. 1, 3 and 4
None for respondent No. 2

Rekha Mittal, J.

Counsel for the appellant has fairly conceded that Baba Gopal Dass claimed certain rights in his individual capacity and has since passed away, therefore, there may not be something that survives for consideration of this court. However, he has expressed his apprehension that in future a third person may claim any right on the basis of concurrent findings recorded by the courts in favour of Baba Gopal Dass.

Counsel for respondents No. 1, 3 and 4, on the contrary, would state that as Baba Gopal Dass claimed rights in his individual capacity, there is no question of a third party claiming any right on the basis of findings recorded in favour of Baba Gopal Dass and in case a third person comes forward to claim any right in the property, he has to prove his independent right and status qua the same.

In view of the above, the present appeal stands disposed of.

(Rekha Mittal)
Judge

11.3.2019

PARAMJIT Whether speaking/reasoned : Yes
Whether reportable : Yes/No