

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-4101 of 2017(O&M)
Date of decision: 12.07.2022

Baba Teja Singh Radha Swami Satsang Trust and another

...Petitioner

Versus

Palwinder Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sharad Mehra, Advocate, for the petitioners.
Mr. Akhil Kashyap, Advocate, for
Mr. Parveen K. Kataria, Advocate
for respondent no.2.

ANIL KSHETARPAL, J (Oral)

An application filed by the petitioners for impleadment in a suit for declaration has been dismissed by the trial Court.

The petitioners herein are the religious/charitable institutions. A prior suit filed by late Bhagat Piara Singh claiming decree for declaration to the effect that late Sant Rasila Ram Ji, Manager of the petitioner No.2-Dera Baba Teja Singh, Saidpur, had executed a Will on 24.07.2011 in favour of the plaintiff is pending. Both the religious institutions (the petitioners herein) are defendant no.4 and 5 in the aforesaid suit. During the pendency of the first suit, Sh. Palwinder Kumar claiming to be a witness of the alleged Will executed by Bhagat Piara Singh on 04.09.2011 has filed an independent suit.

The application filed by the religious institutions has been dismissed on the ground that the plaintiff is dominus litis.

Despite notice, Sh. Palwinder Kumar has chosen not to contest the revision petition.

This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

It is evident that the trial Court has dismissed the application on the ground that a necessary party is that party, whose presence is indispensable for the decision of the suit.

In the considered opinion of this Court, the Court has failed to examine the facts of the case in a proper perspective. The dispute is with regard to the management of office manager/mahant of religious institutions. A prior suit is already pending. Sh. Palwinder Kumar is a mere witness of the alleged Will, executed by late Bhagat Piara Singh. The Will relates to the management of the affairs of the Institutions.

Hence, the institutions are not only proper parties but also the necessary parties.

In view thereof, the order under challenge is set aside. The revision petition is allowed.

All the pending miscellaneous applications, if any, are also disposed of.

July 12, 2022
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(ANIL KSHETARPAL)
JUDGE

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