

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-542 of 2016 (O&M)
Date of decision: 23.11.2022

Mohit Gupta and another

..Petitioners

Versus

The Amritsar Diocesan Trust Association and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Karanvir Singh Khehar, Advocate
for the petitioners.

Mr. G.S.Bhatia, Advocate,
for the respondents.

ANIL KSHETARPAL, J(Oral)

Challenging the correctness of the trial Court's order dated 25.09.2015, while setting aside the ex-parte decree, the plaintiff has filed the present revision petition.

The property in question belongs to the Amritsar Diocesan Trust Association. The plaintiff filed a suit claiming the decree of possession on the basis of the alleged lease deed dated 15.03.1984 which was allegedly executed by Ven. S. Haque. Thereafter, the plaintiff filed a suit allegedly in collusion with Innayat Masih, V.M.Rao and their associates resulting in the ex-parte decree dated 31.03.1999.

The respondent through Sadrick Sohan Lal, Secretary of the Organization filed an application for setting aside the ex-parte decree. It was alleged that Innayat Masih or Ven. S. Haque were never appointed as the Secretary and there was no attorney in their favour. In fact, in Civil Suit No.192 dated 01.06.1976, decided on 16.08.1988, it was declared that Ven.

S. Haque was never the Secretary of the organization. Moreover, in the year 1980, the Civil Court held that Sadrick Sohan Lal is the Secretary of the Organization since 1980. Thus, the court has set aside the ex-parte decree while permitting the respondent to contest the suit.

This revision petition has been filed challenging the correctness of order setting aside the ex-parte decree.

The learned counsel representing the petitioners contends that Sh. Sohan Lal Dass had executed a power of attorney in favour of Innayat Maish, therefore, the findings of the court are erroneous.

On the other hand, the learned counsel representing the respondents submits that Sadrick Sohan Lal is a different person from Sh. Sohan Lal Dass.

Be that as it may, the property is owned by a legal entity. Even if it is assumed that Sadrick Sohan Lal is the same person as Sh. Sohan Lal Dass, still, he was merely a Secretary. In absence of material to show that Sadrick Sohan Lal had been empowered to further delegate, the conclusion drawn by the court does not require interference.

Hence, no ground to interfere is made out.

Dismissed.

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

November 23, 2022

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(ANIL KSHETARPAL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>