

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-809 of 2007 (O&M)
Date of decision: 01.09.2022

Mohinder Singh and another ..Petitioners
Versus

Murti Thakur Ji Maharaj and others ..Respondents

CR-810 of 2007 (O&M)

Satpal Singh Sandhu ..Petitioner
Versus

Murti Thakur Ji Maharaj and others ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Inderjit Sharma, Advocate,
for the petitioners.

Mr. S.P.Soi, Advocate and
Mr. Sahil Soi, Advocate
for the respondents.

ANIL KSHETARPAL, J(Oral)

By this order, two civil revision petitions filed by the tenants challenging their respective orders of eviction passed by the Rent Controller as well as the Appellate Authority has been questioned.

The respondent is a juristic person, namely, Murti Thakur Ji Maharaj. The eviction has been sought on the ground of non-payment of rent, material alteration as well as sub-letting. It is alleged that Sh. Bant Singh has sublet the premises to Sh. Sant Pal Singh, Sh. Mohidner Singh and Sh. Sher Singh, respondent No. 3 to 5, before the Rent Controller.

Both the authorities have found that the landlord has proved the

three grounds, namely, non payment of rent, subletting without written permission of the landlord and material alteration because one shop has been converted into three by amalgamating the front passage.

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

On the one hand, the learned counsel representing the petitioners contends that there was no relationship of landlord and tenant as the petitioners herein (including sub-tenants) had been inducted by Sh. Ashok Kumar. He submits that, at one point of time, there was a dispute with regard to the properties of the religious institution which was settled by a civil court decree dated 19.02.1975 and the property in question came to the share of late Sh. Jagan Nath.

On the other had, the learned counsel representing the respondents has drawn the attention of the Court to the fact that the aforesaid Civil Court decree was subsequently set aside by judgment and decree dated 30.09.1982 which was affirmed in appeal by the Additional District Judge, on 03.10.1997.

The decree dated 19.02.1975 was on the basis of a mutual settlement between Sh. Jagan Nath and Sh. Murari Lal. Sh. Jagan Nath and Sh. Murari Lal claim to be the Managers of the religious institution. The religious property vest with the deity which is a juristic person Hence, Sh. Jagan Nath and Sh. Murari Lal had no jurisdiction to enter into a compromise *inter-se*. For this reason only, subsequently, the judgment and decree dated 19.02.1975 was set aside in a subsequent suit vide judgment dated 30.09.1992. The aforesaid judgment has also been upheld by the First Appellate Court.

No other point has been pressed.

Hence, no ground to interfere is made out.

Dismissed.

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

September 01, 2022
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(ANIL KSHETARPAL)
JUDGE

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