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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2845-2022

Date of decision : 08.08.2022

**Bhagwan Shri Maharishi Balmiki Mandir
and Dharamshala Trust.**

...Petitioner

Vs.

Kailash Rani and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sahil Khunger, Advocate
for the petitioner.

MANOJ BAJAJ, J.

Petitioner (plaintiff) has filed this revision petition by invoking superintendence powers of this Court under Article 227 Constitution of India to challenge the order dated 03.03.2022 passed by Civil Judge (Junior Division), Dabwali, Sirsa, whereby his application under Order XI Rule 14 read with Section 151 CPC directing the respondents/defendants to produce the original account books, original resolution register, original register of notices of meeting for inspection of plaintiff and further for providing verified copies of the same to the plaintiff, was dismissed.

Learned counsel for the petitioner has argued that the plaintiff trust was created on 21.04.2017 through trust deed No.308, who has been managing, controlling and supervising the Balmiki Mandir and Dharamshala situated in ward No.13, New Bus Stand, Road, Mandi Dabwali, District Sirsa, and filed a suit against the defendants to challenge the creation of defendant trust, namely, Bhagwan Balmiki Mandir and Dharamshala Trust, Mandi

Dabwali and prayed for a decree of revocation of defendant trust and removal of trustees. He submits that in garb of this fictitious trust created by defendants, the foundation of the petitioner's trust is being interfered. He submits that the application was filed by the plaintiff for issuing direction to the defendants to supply the account books etc, but the same has been declined by the Civil Judge (Junior Division), Dabwali vide impugned order dated 03.03.2022. He submits that the said material is necessary for effective adjudication of the case, therefore, the impugned order be set aside and the application filed by the petitioner be allowed.

After hearing learned counsel for the petitioner and considering the prayer made in the application under Order 11 Rule 14 CPC, this Court finds that the claim of the plaintiff relates to the declaration and permanent injunctions and considering the pleadings of the parties and trial Court had framed the following issues:-

- 1. Whether plaintiff is entitled to relief of declaration as prayed for? OPD*
- 2. Whether plaintiff is entitled to relief of permanent injunction as prayed for? OPD*
- 3. Whether suit of plaintiff is not maintainable in the present form? OPD*
- 4. Whether the plaintiff has no action and locus standi to file the present suit? OPD*
- 5. Relief.*

A reading of the above issues shows that the prayer of the plaintiff relating to the account books, original resolution register and register of notices of meeting etc. are not relevant to the main relief claimed by the plaintiff as admittedly names of both the trusts are different.

Further, during the course of hearing, it has not been disputed by learned counsel that the evidence of both the parties stands concluded and the case is at the final stage. Apart from it, a perusal of the impugned order shows

that the trial Court has carefully gone through the material on record while rejecting the prayer made by the petitioner and it does not suffer from any illegality or impropriety.

Resultantly, revision petition is dismissed.

(MANOJ BAJAJ)
JUDGE

08.08.2022
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No