

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR No.2297 of 2022

Date of decision: 11th October, 2022

Gurudwara Shri Begampura Sahib Parbandhak Committee & another

... Petitioner

Versus

Jaswinder Singh @ Jassa Ramgarhia & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Pankaj Bali, Advocate for the petitioners.

MANJARI NEHRU KAUL, J.

The instant civil revision under Article 227 of the Constitution of India has been filed for quashing of the impugned order dated 06.05.2022 (Annexure P8) passed by the learned Civil Judge (Junior Division), Khanna dismissing application moved by the petitioners to appoint some appropriate person/Local Commissioner to open the Gullak of Gurudwara Sahib and to deposit the amount lying in the Gullak, in the bank account of Gurudwara Sahib and further to allow that person to spend the amount on daily works/functions of the Gurudwara Sahib as well as for payment of salaries of its employees.

Learned counsel appearing for the petitioners submits that it was a matter of record that the Gurudwara Sahib had no source of income other than the donations made by the devotees, which were being kept in the Gullak. All the expenses of the Gurudwara Sahib

including for its management, electricity bills and salaries of the employees were being incurred out of the funds received through donations. He further submits that for the smooth functioning of the Gurudwara Sahib, some suitable person was required to be appointed as Local Commissioner who would open the Gullak and then deposit the said amount in the bank account of the Gurudwara Sahib, which money could be used for the day-to-day expenses of the Gurudwara Sahib. Learned counsel has vehemently argued that in case Local Commissioner is not appointed, grave injustice would be caused and the functioning of the Gurudwara Sahib severely affected.

I have heard learned counsel for the petitioners and perused the relevant material on record.

In the instant case, the petitioner is seeking appointment of Local Commissioner for opening the Gullak of the Gurudwara Sahib and thereafter to deposit the money kept in it, in the bank account of the Gurudwara Sahib and still further, to defray the expenses of the Gurudwara Sahib out of the said bank account.

To deal with the issue in hand, it would be relevant to reproduce Order 26 Rule 9 CPC, which reads thus:-

“9. Commissions to make local investigations:

In any suit in which the court deems a local investigation to be requisite or proper for the purpose of elucidating any matter in dispute, or of ascertaining the market value of any property, or the amount of any mesne profits or damages or

annual net profits, the court may issue a commission to such person as it thinks fit directing him to make such investigation and to report thereon to the court:

PROVIDED that, where the State Government has made rules as to the persons to whom such commission shall be issued, the court shall be bound by such rules.”

A perusal of the above provisions makes it abundantly clear that the Local Commissioner cannot be appointed by a Court for the purpose as sought for, by the petitioners. Scope of the function of a Local Commissioner is limited to making investigations and can certainly not be enlarged to the extent, as prayed for by the petitioner. Moreover, in the present case there is no issue of examination or adjustment of accounts, hence the Local Commissioner cannot even be appointed under Order 26 Rule 11 CPC.

In the circumstances, this Court would not be inclined to interfere with the impugned order. Accordingly, the present revision petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

October 11, 2022

rps

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