

118/1

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CR-2182-2021 (O&M)
Decided on : 21.03.2022

Mahant Budh Singh

..... Petitioner

Versus

Sh. Mahant Resham Singh

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rishi Pal Singh, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 19.04.2021 (Annexure P-1) vide which application filed by the petitioner under Order 1 Rule 10 CPC read with 151 CPC for implead/substitute as defendant No.8 in civil Suit No.CS/1309/2019 has been dismissed by the Court below.

The petitioner-applicant contends that he was appointed as a caretaker of Thanesar Branch of Nirmal Panchayati Akhara Society(Regd.) by Mahant Gian Dev Singh Chela Swami Lal Singh. Since plaintiffs had filed a suit for permanent injunction against the members and office bearers of Sh. Nirmal Panchayati Akhara Society, Kankhal, Haridwar, he was entitled to be substituted in place of defendant No.8-petitioner, who died on 03.08.2020 due to Covid-19. He further contends that a conspiracy was hatched between respondent no.1 and respondent No.3, who alongwith one other person had instituted false and frivolous civil suits including the instant one for permanent injunction.

Heard learned counsel and perused the impugned order.

The suit has been filed by respondent No.1 seeking relief of only permanent injunction. It is the plaintiffs, thus, alone, who have the right to ascertain as to against whom they would want to seek the relief of permanent injunction. Mahant Jagtar Singh-respondent No.3 was appointed as a caretaker in place of Mahant Budh Singh vide resolution dated 16.01.2021 passed by Executive Committee of governing body of Panchayati Akhara Nirmala, however, no such resolution was ever passed in favour of Mahant Guru Bhagat Singh. Moreover, deceased Mahant Budh Singh was neither impleaded in his personal capacity nor any civil right was sought by the plaintiffs against deceased Mahant Budh Singh in his personal capacity but only as a member of Panchayati Akhara Nirmala. Since Mahant Jagtar Singh-respondent No.3 has been appointed as a caretaker in the place of Mahant Budh Singh, he is an appropriate party to be impleaded in place of Mahant Budh Singh.

This Court does not find any infirmity much less illegality in the impugned order passed by the Court below, which would warrant interference of this Court. Accordingly, the present petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

21.03.2022
sonia

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No