

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

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IN VIRTUAL COURT

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**CM No. 14620-CII of 2021 in/and
CR No. 3142 of 2021
Date of decision : 24.2.2022**

Hardev Singh and others

.....Petitioners

Vs.

Pardeep Singh and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. B.S. Guliani, Advocate and
Mr. P.S. Guliani, Advocate, for the petitioners

Mr. GPS Bal, Advocate, for respondent No.3

Rajbir Sehrawat, J. (Oral)

CM No. 14620-CII of 2021:

This is an application for placing on record the affidavit of Gurjant Singh Panch.

For the reasons mentioned in the application, the same is allowed.
Affidavit of Gurjant Singh Panch is taken on record.

Main Case:

This is a petition under Article 227 of the Constitution of India read with Section 151 CPC for setting aside the impugned order dated 12.11.2021 (Annexure P-1), passed by the Sikh Gurudwara Judicial Commission, Amritsar ('Gurudwara Commission' for short) in case No. 3/2021; whereby the application of respondents No.1 and 2; filed under Order 39 Rule 1 and 2 CPC and under Order 40 Rule 1 read with Section 151 CPC, has been allowed and the petitioners have been restrained from working as President, Vide President, Members of the Gurudwara Sahib Bhai Behlo, Patshahi 10th, Village Phaphre Bhai Ke, Tehsil and District Mansa; and appointed Manager Mr. Ajaib Singh as Receiver, to act as Committee of Management for the management of the gurudwara; till the decision of the main case.

After arguing for some time, the counsel for the parties have agreed that it would be better if the Gurudwara Commission is directed to take a final decision on the petition within some specified time. Additionally, counsel for the petitioner has also submitted that till the Gurudwara Commission finally decides the issue, the Receiver can take charge of the golak and income & expenditure account of the Gurudwara. However, the observations which have crept in the impugned order should not be taken against the petitioner, as such.

In view of the above, the present petition is disposed of with a direction to the Gurudwara Commission to take a final decision on the petition pending before it; within a period of four weeks from the date of receipt of certified copy of this order.

In the meantime, the Receiver shall have full control over the golak of the gurudwara. However, the petitioners would be permitted to operate the Bank accounts of this gurudwara for the limited purpose of payment of salary of the staff. However, due account of the same shall also be given by the petitioners to the Receiver; so as to enable him to compile the complete accounts of income and expenditure.

It is further clarified that no observation made in the impugned order shall have effect on passing of the final order. The final order shall be passed by the Gurudwara Commission independently; on the basis of the material placed before it, without being prejudiced by any observations made in the impugned interim order.

(RAJBIR SEHRAWAT)
JUDGE

24.2.2022

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No