

In the High Court of Punjab and Haryana at Chandigarh

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CR-580-2023 (O & M)

Date of Decision: January 30, 2023

RAM DEVI AND ANR

.....PETITIONERS

VERSUS

KUMARI SUSHILA DEVI AND ORS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Rishi Pal Singh Garttan, Advocate for the petitioners.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioners have challenged the order dated 17.12.2022 (Annexure P-1) whereby the appeal preferred by the respondents against the order declining them injunction has been partly allowed.

Learned counsel for the petitioners submits that petitioner No.1, who is a Trustee and a Secretary of the Trust alongwith petitioner No.2, who is the Trust writer, would be entitled to operate the bank accounts of the Trust during the pendency of the suit. He further submits that the resolution which has been relied upon by the Appellate Court while partly allowing the appeal, has not been signed by at least 03 members which is the quorum for passing the Trust Resolutions.

Heard.

The petitioners/plaintiffs had filed a suit for permanent injunction restraining the defendants/respondents from operating the bank accounts and further restraining them from misappropriating the moveable and immovable property owned by Guru Brahmanand Trust. The petitioners had also preferred an application for *ad interim* injunction which had been allowed by the lower Court and the defendants were restrained from operating bank accounts. The defendants had preferred an appeal thereagainst and the lower Appellate Court had partly allowed the appeal on 17.12.2022 (Annexure P-1) and directed

the defendants to operate bank account for meeting the day to day expenses. The Appellate Court has relied upon the Resolution dated 26.07.2020 whereby the defendants/respondents No.1 and 2 have been authorized to operate the bank account. A copy of the resolution is at Annexure P-6. It is signed by two members of the Trust and is the latest resolution for operating the bank account.

The Trust is stated to have been created for preaching Vedas and performing Yagya Hawan. There is a dispute with regard to the operation of the bank account which would be adjudicated by the trial Court after evidence is led in that regard. However, the functioning of the Trust should not come to a standstill and the operation of the bank account would be necessary for meeting the day-to-day expenses of the Trust, which is precisely what the Appellate Court had done. The Appellate Court has also directed that no payment/amount is to be withdrawn without permission of the trial Court and the concerned bank has also been directed to remain vigilant to that effect to avoid any misappropriation of funds during the pendency of the suit. Therefore, I do not find any infirmity in the order of the Appellate Court (Annexure P-1) directing the respondents to operate the bank account for meeting the day-to-day expenses in terms of the Resolution dated 26.07.2020 (Annexure P-6).

Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

January 30, 2023
A.Kaundal

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