

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

**Civil Revision No. 3869 of 2023(O&M)
Date of Decision: 12.07.2023**

Mahant Bhura Das

...Petitioner

Versus

Siri Guru Granth Sahib Ji Birajman Dera Baba Dhian Dass & Ors.

...Respondents

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Ms. Gagandeep Kaur, Advocate
For the petitioner.**

KARAMJIT SINGH, J.

1. Petitioner being aggrieved by order dated 27.02.2023 passed by the Court of Civil Judge(Jr. Divn.), Dhuri (Sangrur) whereby the application filed by the petitioner under Order 1 Rule 10 CPC for impleading him as a party to civil suit titled Siri Guru Granth Sahib Ji Vs. Jagjit Singh & Ors., having CS No. 126/2016, has been dismissed.

2. The counsel for the petitioner submits that the aforesaid civil suit is being filed by respondent No.1 against respondents No.2 to 6 on the ground that he is Mohtmim of the Dera Baba Dhian Dass, Ghanauri Kalan, Tehsil Dhuri. That even respondent No.2 Jagjit Singh is also claiming himself to be the Mohtmim of the said Dera. It is further submitted that petitioner Mahant Bhura Dass belongs to Udaseen sect and the Dera in question also belongs to said sect. The counsel for the petitioner has further submitted that respondent Nos. 1 and 2 are claiming their rights over the

Dera in question as they also belong to Udaseen sect. That, however, if any of the said two persons is declared as Mohitmim/ Incharge of the Dera, he is going to misuse the said status to usurp the property belonging to Dera in question. The counsel for the petitioner further submits that the petitioner who belongs to Udaseen sect has got interest in the suit property and in order to safeguard the interest of Dera in question, the petitioner moved an application under Order 1 Rule 10 CPC to implead him as a party to the suit but the same has been declined by the learned trial Court without appreciating the fact that the petitioner is necessary/ proper party for the just decision of the suit.

3. I have heard the counsel for the petitioner.

4. As per the record property in question is recorded to be owned by Sri Guru Granth Sahib Ji Birajman Dera Baba Dhian Dass. The suit has been filed by Mahant Nihal Dass Chela Mahant Narain Dass claiming himself to be the Incharge of said Dera. Respondent No.2 Jagjit Singh is also claiming to be Mohtmim of Dera in question. It appears that said Dera belongs to Udaseen sect. Admittedly, the petitioner is not claiming Mohtmimship of said Dera and he filed an application under Order 1 Rule 10 CPC being follower of Udaseen sect and the said application was opposed by plaintiff/ respondent No.1 who is master of his case. Further the counsel for the petitioner during arguments failed to satisfy this Court that in the absence of the petitioner, the substantial rights of the parties pertaining to suit property and the relief sought for in the plaint could not be effectively adjudicated.

5. In light of the above, this Court is of the view that petitioner has failed to prove that he is necessary or proper party for the effective

adjudication in the civil suit titled Sri Guru Granth Sahib Ji Vs. Jagjit Singh & Ors. , having CS No. 126/2016. So, there is no illegality or infirmity in the impugned order. Consequently, the present petition is hereby dismissed.

12.07.2023
Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No