

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

RSA-2887-2011 (O&M)

Reserved on: 24.03.2023

Date of pronouncement: 28.03.2023

Mahant Ram Rattan Das

...Appellant

Versus

Pankhi Ram and others

...Respondents

**CORAM: HON'BLE MR.JUSTICE H.S. MADAAN**

Present: None for the appellant.

Mr. R.D. Yadav, Advocate for the respondents.

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**H.S. MADAAN, J.**

In nutshell, the facts of the case are that plaintiff Mahant Ram Rattan Das Ji Chela Shri Narain Dass Chela Gomati Das Mahant Mandir Shri Sita Ram Ji, Gugalkota, Tehsil Behrod, District Alwar (Rajasthan) had brought a suit against defendant Pankhi Ram and 08 others, seeking a decree for permanent injunction restraining the defendants from interfering into possession of the plaintiff by raising any construction over any part of the suit land in any manner.

As per case of the plaintiff, he is in possession of the agricultural land measuring 56K-14M fully described in the plaint situated at Village Khandora, Tehsil Bawal, District Rewari as dohlidar; this land was donated to Mandir Shri Sita Ram Ji situated at

Village Gogalkota, in that way, the seat of the temple is at Gogalkota, Tehsil Bawal, District Alwar for the year 1994-95; Mahant Shri Narain Dass died on 15.04.1998 at Village Gogalkota; as per custom, the plaintiff had been appointed Mahant of Shri Sita Ram Ji Mandir for all practical purposes, therefore, he is dohlidar of the suit land; the defendants had accepted the plaintiff as Mahant, however, they in connivance with some other villagers tried to grab the suit land by erecting some structure over it by making alienation thereof and threatened to interfere in the possession of the plaintiff over the suit land to which they had no right; feeling aggrieved, the plaintiff had brought the suit in question.

2. On notice, the defendants appeared and filed a written statement, contesting the suit, denying that the plaintiff is a mahant or chela of deceased Mahant Narain Dass. According to the defendants, the plaintiff did not reside with Mahant Narain Dass at Village Gogalkota. The defendants denied that plaintiff is dohlidar of the suit land or he ever came in possession thereof. They further denied that the suit land had ever been donated to the alleged mandir. Death of Mahant Narain Dass was admitted but it was denied that he had left behind any chela. According to the defendants, they along with other villagers and proprietors are constructing a temple over some part of the suit land comprised in rectangle No.63 killa No.6 and sufficient amount has already been spent for that purpose. According to the defendants, the

plaintiff has no concern with the suit land. The defendants prayed for dismissal of the suit.

3. Plaintiff filed replication, controverting the allegations in the written statement whereas reiterating the averments in the plaint.

4. From the pleadings of the parties, following issues were framed:-

1. Whether the plaintiff Ram Rattan Dass had ever been appointed for nominated as his chela by deceased Narayan Dass, if so, when and to what effect? OPP.
2. Whether the suit land had been donated to the alleged Mandir of Sita Ram Ji situated at village Gokulkota as alleged? OPP.
3. Whether the plaintiff is in his possession of the suit land as dholidar as alleged? OPP.
4. Whether the plaint has disclosed any cause of action? OPP.
5. Whether the suit is bad for non-joinder of necessary party? OPD
6. Whether the plaintiff has no locus standi to file the present suit? OPD.
7. Relief.

5. The parties were afforded sufficient opportunities to lead evidence in support of their respective claims.

6. After hearing arguments, the trial Court of Addl. Civil Judge (Sr. Divn.) Rewari, vide judgment and decree dated 28.07.2008 dismissed the suit.

7. Feeling aggrieved by the judgment and decree passed by the trial Court, the plaintiff had preferred an appeal before District Judge, Rewari, that appeal was assigned to Addl. District Judge, Rewari, who vide judgment and decree dated 19.04.2011 had declined

to interfere with the judgment and decree passed by the trial Court, rather affirmed the same in the process dismissing the appeal.

8. Still feeling aggrieved, the plaintiff has knocked at the door of this Court by way of filing the present Regular Second Appeal, notice of which was given to the respondents, who have put in appearance through counsel.

9. Today, there is no representation on behalf of the appellant, though, counsel for the respondents is present. Vide last order dated 02.02.2023, final opportunity was granted to counsel for addressing arguments making it clear that no further accommodation would be given. Today, the appellant is unrepresented, nevertheless, considering the fact that the appeal relates to the year 2011 i.e. more than 11 years old and in spirit of the last order passed, I proceed to adjudicate the controversy after hearing counsel for the respondents and going through the record.

10. In this case, the trial Court by a minute and in depth analysis of the evidence brought on record by the parties, in the light of their pleadings and the settled law on the subject had returned clear findings that after death of Mahant Narain Dass, issueless and without any chela on an application having been filed by village Gram Panchayat Ex.DX10, the tehsildar had passed on order dated 23.05.1996 and mutation was sanctioned on that very day in favour of Mandir Sita Ram Ji. In that way, the property reverted back to the Mandir because it could not remain in abeyance after death of Mahant

Narain Dass. As a matter of fact, the property had originally belonged to the Mandir. The plaintiff could not prove that he was appointed as a chela of Mahant Narain Dass and he had acted as such. In that way, he could not be taken to be owner in possession of the property in question and if any document furnished by the plaintiff showed him to be in possession, then he is to be taken as in unauthorized possession.

**11.** The trial Court has further observed that as per evidence adduced by the defendants, the village committee has been maintaining the property and land is being leased out to different tenants by the said committee. With regard to the possession of the property, it has been observed that patti Sawai and ganga bishan of the village are owners in possession of the property in question because the property is being managed by the village committee and leased out to different lease holders in the year 1994 which was year of the death of Mahant Narain Dass till 2000. That fact is corroborated by statement of bank account. The plaintiff was not found to have any locus standi to file the suit.

The trial Court had decided issues No.1 to 5 against the plaintiff whereas in favour of the defendants. As a result of findings on the issues, the suit was dismissed.

**12.** The Ist Appellate Court of Addl. District Judge, Rewari after thorough and detailed examination on the matter had also rejected the claim of plaintiff upholding the judgment and decree passed by the trial Court.

**13.** I do not see any reason to take a different view in the

matter and to interfere with the impugned judgments and decrees, since I find those to be quite detailed, well reasoned, based upon proper appraisal and appreication of evidence and correct interpretation of law without there being any illegality or infirmity in those judgments. No substantial question of law arises in the appeal. The appeal is found to be without merit and is dismissed accordingly.

28.03.2023  
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(H.S. MADAAN)  
JUDGE

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