

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.1341 of 1989 (O&M)
Date of Order:07.02.2024

Hari Singh

.Appellant

Versus

**Sri Guru Granth Sahib Gurdwara Sahib Nai Abadi of village Mandaaur
Tehsil Nabha, District Patiala.**

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Sanjiv Gupta, Advocate
for the appellant.**

**Mr. Simranjit Singh, Advocate
for the respondent**

ANIL KSHETARPAL, J

1. In this regular second appeal, the defendant assails the correctness of the findings of fact arrived at by the First Appellate Court which in turn has reversed the judgment and decree passed by the trial court.
2. 'Siri Guru Granth Sahib', Gurdwara Sahib Nai Abadi of Village Mandaaur, Tehsil Nabha, District Patiala, filed a suit for declaration to the effect that 'Siri Guru Granth Sahib' is owner in possession of 39 kanals and 4 marlas of land and the revenue entry showing the management of the Gurdwara under Sh. Hari Singh is wrong, whereas the correct entry should be 'Siri Guru Granth Sahib' through management of Sh. Mohinder Singh.
3. The defendant while contesting the suit claimed that the property in dispute was the ancestral property of Sh. Bagga Singh, who died issueless. Sh. Bagga Singh executed a registered Will in favour of the defendant, who is the grand son of Sh. Bagga Singh's sister.
4. The trial Court after appreciating the evidence came to the

conclusion that Gurdwara was built on the suit land by Sh. Bagga Singh, however, in absence of any registered instrument in favour of Gurdwara, the suit filed by the plaintiff cannot be decreed.

5. In the first appeal, the respondent (plaintiff before the trial court) produced a copy of the registered gift deed proving that Sh. Bagga Singh had gifted the property in favour of Siri Guru Granth Sahib. Thus, the judgment passed by the trial Court was reversed.

6. This appeal is pending for the last 34 years. On 05.02.2024, the arguments were heard at some length and the hearing of the case was adjourned to today.

7. The learned counsel representing the appellant submits that he has instructions to withdraw the appeal as the property vests in 'Siri Guru Granth Sahib' which is a juristic person. However, he submits that he will agitate about the management of the Gurdwara by initiating separate proceedings.

8. The learned counsel representing the respondent has no objection.

9. Keeping in view the aforesaid facts, the appeal is dismissed as withdrawn.

10. All the pending miscellaneous applications, if any, are also disposed of.

February 07, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO