

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.261 of 1994 (O&M)

Date of Order:12.02.2024

Mahant Hardam Dass Mahtimim of Gurdwara Fakir Sat Sahib**.Appellant****Versus****Jag Ram and others****..Respondents****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL****Present: Mr. P.S.Punia, Advocate
for the appellant.****Mr. Kuldip Sanwal, Advocate
for the respondents.****ANIL KSHETARPAL, J**

1. In this second appeal, the plaintiff assails the correctness of the judgment and decree passed by the First Appellate Court which in turn has reversed the judgment and decree passed by the trial Court. The controversy involved in the present case is with respect to an open site measuring 60'x91' mark 'ABCD' in the site plan Ex.P/3.

2. The plaintiff sought relief of possession on the ground that he is Mahatmim of Gurdwara Fakir Sat Sahib in village Majauli, Tehsil Rajpura and on the disputed property a building of Gurdwara and the residential place of Mahant Lal Dass was located, however, the same fell down with the passage of time and the plaintiff was using the same for the purpose of gathering of Saints and addressing the religious functions. The defendants have taken forcible possession of the disputed site.

3. The defendants while contesting the suit, claimed that the building of the Gurdwara is under the control of Sikh Management and is

located far away from the disputed property and no Gurdwara ever existed on the site in dispute.

4. The trial court decreed the suit, however, the First Appellate Court on re-appreciation of the evidence found that the plaintiff has failed to prove that any Gurdwara existed on the site in dispute. In the plaint, the plaintiff admitted that the defendants have opened windows and the doors into the site and the disputed property is situated in between the bara of Sh. Jag Ram and Sh. Surjit Singh, defendants. Thus, the First Appellate Court reversed the judgment and decree passed by the trial court.

5. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

6. The learned counsel representing the appellant while referring to the order of Tehsildar dated 07.11.1955, Ex.P1, submits that existence of Gurdwara at the disputed land is proved.

7. This court has considered the submissions of the learned counsel representing the parties.

8. No doubt, in the order of Tehsildar, there is reference to the existence of a Gurdwara building in village Majauli, however, it was located at the disputed site is not proved. It is also the case of the defendants that the Gurdwara is located at a far away place. The plaintiff was required to stand on his own legs. He has failed to lead evidence to prove that the site in dispute was used for Gurdwara at any point of time.

9. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

10. Dismissed.

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

February 12, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

:YES/NO

Whether reportable

:YES/NO