

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.1080 of 2021 (O&M)

Date of Order:15.03.2024

Smadh Baba Daulat Giri and another

.Appellants

Versus

Molu (Deceased) through LR's and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Anshul Sharma, Advocate
for the appellants.

ANIL KSHETARPAL, J

1. The facts of this case depict the very sorry state of affairs. First of all, this regular second appeal has been filed along with an application for condoning the delay of 3013 days in filing the appeal. Secondly, the appellants before this court claim to be a religious institution managed by its Mahants.

2. On 25.05.1973, Mahant Santosh Giri created a lease for a period of 30 years, which was to lapse on 14.06.2003. After the death of Mahant Santosh Giri, a civil suit for the grant of decree of declaration with possession was filed on 25.05.2003 i.e. just 20 days before the lease was to lapse.

3. Both the courts below dismissed the suit on the ground that the period of lease was about to lapse when the suit was filed. It was also held that the suit was filed beyond the prescribed period of limitation as Article 96 of the scheduled attached to the Limitation Act, 1963, provides for limitation of 12 years from the date of death, resignation or removal of the transferor or the date of appointment of the plaintiff as manager of the

endowment, whichever is later.

4. The learned counsel representing the appellants failed to draw the attention of the court to any error in the judgments passed by the courts below.

5. Consequently, the appeal is dismissed.

6. Hence, it is not considered appropriate to decide the application for condonation of delay. However, it is evident that there is some shortcoming in the management of the property belonging to a religious institution or there is mismanagement in its affairs.

7. Keeping in view the aforesaid facts, the Deputy Commissioner, Kaithal, is requested to inquire into the affairs of the appellant and take appropriate steps to ensure that the property of the religious institution is sufficiently safeguarded. If the Deputy Commissioner, Kaithal, comes to a conclusion that the property of the religious institution (appellant) is being mismanaged or squandered away, he shall be entitled to take all the steps in accordance with law to take over its management or make appropriate alternative arrangement so as to ensure protection of its property.

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

March 15, 2024

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(ANIL KSHETARPAL)

JUDGE

Whether speaking/reasoned

Whether reportable

:YES/NO

:YES/NO