



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

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FAO-6039-2016

Date of decision : 25.09.2024

Shiromani Gurdwara Parbandhak Committee**..... Petitioner**

versus

Hari Singh**..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Apanjyot Singh Virk, Advocate
for the petitioner.

PANKAJ JAIN, J. (Oral)

1. Present appeal is directed against order dated 07.09.2012 passed by Sikh Gurudwara, Judicial Commission, Ambala.

2. Appellant-Committee filed petition under Section 142 of the Sikh Gurudwara Act, 1925 against the respondent claiming that the respondent was elected as President of the Managing Committee of the notified Gurudwara Sahib on 14.08.1998. He remained President and worked as such till 01.05.2005. Fresh elections were conducted and new President was elected. It was duty of the President to manage the affairs of the Gurudwara Sahib diligently and was required to hand over the charge to the newly elected President.

3. Petition was resisted by the respondent. It was claimed that all the records related to the period-the respondent remained as President of the Gurudwara Committee is with Harpal Singh Pre-auditor. Same was taken over by the new Committee from the Pre-auditor.

Respondent tendered his resignation from the post of President. Uttam



Singh who was elected Vice-President acted as President and thus the plea raised with respect to non handing over the charge, was without any basis and at no point of time, the respondent was ever served with any notice calling upon him to handover any charge/document in his possession.

4. After appreciating the evidence, Commission recorded finding of fact that the Committee failed to prove that Hari Singh was ever asked to handover the charge or was issued any notice. Resultantly, issue No.1 was decided against the Committee and in favour of the respondent.

5. After arguing for some time, counsel for the appellant has not been able to point out any piece of evidence that has been misread or was not taken into consideration by the Commission while recording the finding. In para 13 of the impugned order, categoric finding has been recorded to the following effect:-

“From the entire evidence, documents on the file and arguments advanced by both the parties, we are of the opinion that the petitioner committee failed to prove its case that the respondent Hari Singh was informed to hand over the charge. Even no notice was issued to hand over the charge was issued. Moreover, the respondent Hari Singh cross-examined at length, but no dent found in his cross-examination. Hence, we decide these issues in favour of the respondent and against the petitioner committee.”

6. Finding no infirmity/illegality in the order passed by the Commission, this Court does not find any reason to interfere in the



present appeal, the same is dismissed.

(PANKAJ JAIN)
JUDGE

25.09.2024

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No