



IN THE HIGH COURT OF PU NJAB AND HARYANA AT CHANDIGARH

114

RSA-150-2019 (O&M)
Date of Decision : 25.09.2024

Satya Parkash SharmaAppellant

VERSUS

Shri Sanatam Dharam Sabha Geeta MandirRespondent
through its President

CORAM : HON’BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sandeep Arora, Advocate for the appellant.

ALKA SARIN, J. (Oral)

1. Present appeal has been filed by the plaintiff-appellant challenging the judgment and decree dated 01.08.2017 passed by the Trial Court and the judgment and decree dated 03.10.2018 passed by the First Appellate Court.
2. The brief facts relevant to the present *lis* are that the plaintiff-appellant filed a suit for permanent injunction for restraining the defendant-respondent from interfering in his peaceful possession in the suit property and also for restraining the defendant-respondent from giving threats to the plaintiff-appellant to leave his job. It was averred in the plaint that the plaintiff-appellant is a priest in Geeta Mandir at Model Town, Jalandhar and he has been working for the last more than six years with full devotion. The Mandir is being maintained by Shri Sanatan Dharam Sabha (Regd.) and the plaintiff-appellant was residing inside the premises of the Mandir with his whole family. It was further averred that there was litigation between the trustees and now the new committee wanted to throw the plaintiff-appellant

out by levelling false allegations. Notice of the suit was issued. The stand taken by the defendant-respondent in the written statement was that the plaintiff-appellant was a priest in the Geeta Mandir and he was permitted to stay in the room being an employee and that his services stood terminated vide order dated 08.08.2015 and hence his license to occupy the room also stood terminated and that no injunction could be granted in his favour.

3. On the basis of pleadings of the parties the following issues were framed :

1. Whether the plaintiff is entitled to the relief of permanent injunction as prayed for ? OPP
2. Whether the plaintiff has no locus standi to file the present suit ? OPD
3. Whether the present suit is maintainable ? OPP
4. Whether the plaintiff has concealed the material facts from the Court ? OPD
5. Relief.

4. The suit of the plaintiff-appellant was dismissed by the Trial Court and his appeal also met the same fate. Hence, the present regular second appeal.

5. Learned counsel for the plaintiff-appellant would contend that the plaintiff-appellant was engaged on contract basis as a Pujari and that now the defendant-respondent wants to oust him from the room. It is further the contention that the injunction could not have been denied as he was in possession of the suit property.

6. Heard.

7. Both the Courts concurrently found that the plaintiff-appellant was only employed as a Pujari and as part of his services he was permitted to reside in the room. After the passing of the termination order the plaintiff-appellant had challenged the same before the Labour Court. The argument of learned counsel for the plaintiff-appellant that injunction ought to have been granted in favour of the plaintiff-appellant deserves to be rejected on the ground that admittedly the plaintiff-appellant was working as a Pujari in the Mandir and his services were terminated on 08.08.2015. The termination order had been challenged before the Labour Court. The provision of providing a room to the plaintiff-appellant was only an incident of service. Since services of the plaintiff-appellant having been terminated, no injunction can be granted in his favour.

7. In view of the above, I do not find any merits in the present appeal. No question of law, much less any substantial question of law, arises in the present case. The appeal, being devoid of any merits, is accordingly dismissed. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

25.09.2024
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO