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

(333)

CR-400-2025

Date of decision: - 05.03.2025

Kashmir Singh

....Petitioner

Versus

Dera Bhai Mastan Singh and others

....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Kanwal Goyal, Advocate, and
Ms. Sheena Dahiya, Advocate, for the petitioner.

Mr. Rajeev Kawatra, Advocate, for respondent No.1.

Mr. R.S. Sidhu, Advocate, for respondents No.2 and 3.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 29.08.2024 (Annexure P-1) passed by the Additional Civil Judge (Senior Division), Muktsar in Civil Misc. No.30 of 2019 titled as “Dera Bhai Mastan Singh Vs. Kashmir Singh and others”.

2. Learned counsel for the petitioner as well as learned counsel for the respondents have jointly pointed out that in the present case, the suit was filed by Dera Bhai Mastan Singh against the present petitioner and respondents No.2 and 3 on 19.09.1994 and a compromise dated 25.08.1995 was arrived at and thereafter, the suit was disposed of by a

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compromise decree dated 06.09.1995. Clause C of the said compromise dated 25.08.1995 provided that 5 poor children who were unable to pay fees were to be nominated by the Mahant of the Dera for the purpose of being admitted in the Nursery and LKG Classes of Akal Academy Bhai Mastan Singh Jee Muktsar without any fees. It was further decided that till the time Ex-Mahant Gurdial Singh was alive, in case he wished, then, out of five children, he could recommend three children to be admitted. It is further jointly stated that a suit for permanent injunction was filed by Kashmir Singh/present petitioner against Ex-Mahant Gurdial Singh, which was dismissed by the trial Court vide judgment and decree dated 16.10.2008 and the appeal therefrom was also dismissed vide judgment and decree dated 03.01.2011 and thereafter the Regular Second Appeal No.2281 of 2011 was filed, in which order of status quo had been passed and the said RSA is stated to be pending. It is further jointly stated that respondent No.1, who has stated that there is a Will from Mahant Gurdial Singh, had filed an execution of the compromise decree dated 06.09.1995 with respect to nomination of those five children and it is in the said proceedings that the impugned order dated 29.08.2024 has been passed.

3. During the course of arguments, learned counsel for the petitioner as well as learned counsel for the respondents, after instructions from their respective clients, have taken a very fair stand and on the basis of their consent, the present revision petition is disposed of in the following terms: -

- (i) Till the time the RSA No.2281 of 2011 is finally adjudicated,



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three poor children who are unable to pay the fees would be nominated by Ajaib Singh and two children would be nominated by the present petitioner.

- (ii) With respect to the present academic year, the petitioner as well as Ajaib Singh would submit their respective recommendations of the two-three children respectively within a period of one week to the respondents No.2 and 3/Institute and the respondents No.2 and 3/Institute would admit the said students for the present academic session, in accordance with the terms and conditions specified in the compromise dated 25.08.1995.
- (iii) The said direction/order would not be construed as creating any right in favour of either the petitioner or Ajaib Singh and it would be open to both the parties to raise all pleas which are available to them in the RSA No.2281 of 2011, which is pending adjudication. The said interim arrangement would also not create any equity in favour of either of the two parties.
- (iv) Since the execution has been filed by Ajaib Singh, which is for the purpose of admission of the said five students and the said aspect has been resolved before this Court till the pendency of the above-said Regular Second Appeal, thus, the impugned order as well as the execution proceedings stand disposed of in terms of the above-said observations/directions and both the parties would be bound by the same.

March 05, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
 Whether reportable?

Yes/No
 Yes/No