



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

**Date of decision : 15.05.2025**

**1.**

**ESA-6-2020 (O&M)**

**Dev Rattan (deceased)  
through his legal representatives**

**...Appellant(s)**

**Vs.**

**Shri Shiv Mandir @ Gram Sudhar Samiti  
and others**

**...Respondents**

**2.**

**ESA-7-2020 (O&M)**

**Ram Narayan**

**...Appellant**

**Vs.**

**Shri Shiv Mandir @ Gram Sudhar Samiti  
and others**

**...Respondents**

**CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**Present:** Mr. G.C. Shahpuri, Advocate  
for the appellant(s).

Mr. Rajesh Lamba, Advocate  
for respondent No.1 (in both the cases).

**\*\*\***

**ANIL KSHETARPAL, J. (Oral)**

1. With the consent of learned counsel representing the parties, two connected execution second appeals, shall stand disposed of by this common order.

2. The decree-holder assails the correctness of the First Appellate Court's order remitting the matter back to the Executing Court for fresh



decision. The appellant claims that his father, who was Mahant of the Mandir inducted him as a tenant. He filed a suit for mandatory and permanent injunction against certain former office-bearers, which was decreed by the trial Court and affirmed in appeal by the First Appellate Court on 12.11.2014. Subsequently, the office-bearers filed objections in the execution petition, which were dismissed vide order dated 26.07.2017.

3. The property belongs to deity because there is a temple of Lord Shiva. The deity is not a party to the suit. The objection petition was filed by the society, which manages the temple. The Executing Court dismissed the same but the First Appellate Court remitted the matter back to the Executing Court consider the objections in detail.

4. Learned counsel representing the appellant submits that similar objections filed by the office-bearers have been rejected and two separate suits filed by the society were either dismissed in default or withdrawn.

5. This Court has considered the submissions made by the learned counsel representing the parties.

6. It is evident that the deity was never impleaded as a party. It is also evident that society claims that the suit was filed in collusion with the former office-bearers. In fact, the election had taken place and new body of office-bearers was inducted, however, they were not impleaded as a party. Most importantly, the petitioner claims to have been inducted as a tenant by his father.

7. Keeping in view the aforesaid facts, no ground to interfere is made



out in the order passed by the First Appellate Court remitting the matter back to the Executing Court for fresh decision.

8. Hence, both the appeals are dismissed.
9. All the pending miscellaneous applications, if any, are also disposed of.

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| <b>15.05.2025</b>           | <b>(ANIL KSHETARPAL)</b> |    |
| neeraj                      | <b>JUDGE</b>             |    |
| Whether speaking/reasoned : | Yes                      | No |
| Whether Reportable :        | Yes                      | No |