

**RSA-1520 of 1993**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-1520-1993 (O&M)
Reserved on 10.09.2025
Pronounced on : 12.09.2025**Sohan Lal****.....Appellant****Versus**

Thakurdwara Baba Gudar & Anr.

.....Respondents**CORAM : HON'BLE MR. JUSTICE DEEPAK GUPTA****Argued by:** Ms. Parul Saini, Advocate for
Mr. Pritam Singh, Advocate
for the appellant.

None for respondents.

DEEPAK GUPTA, J.

Defendant No.2 has filed the present appeal against the reversal of judgment, whereby the suit for declaration instituted by plaintiff *Thakurdwara Baba Gudar*, dismissed by the trial Court on 25.01.1988, was decreed by the First Appellate Court on 18.02.1993.

2. For clarity, parties are referred to by their status before the trial Court.

3. The dispute concerns land measuring 2 Kanal 11 Marla, as detailed in the plaint. Plaintiff temple *Thakurdwara Baba Gudar* is the recorded owner. Defendant No.1, Baba Madan Mohan Das, *Chela* of Baba Purshotam Dass of the plaintiff Dera, executed a lease deed dated 26.02.1969 for 99 years at an annual rent of ₹.100/- in favour of defendant No.2, Sohan Lal (appellant herein).

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4. The plaintiff challenged the lease as null and void, not binding on the rights of the temple, its deities, or devotees, and sought a declaration of possession. Alternatively, a decree for possession was claimed in case defendant No.2 was found in occupation.

5. Defendant No.1, though objecting to maintainability, admitted that the lease was not in the interest of devotees and deserved to be set aside. Defendant No.2 defended the lease, claiming that Defendant No.1 had authority to grant it, and further questioned the plaintiff's locus standi for want of sanction under Section 92 CPC.

6. The trial Court dismissed the suit, holding Defendant No.1 competent to execute the lease for the estate's benefit. On appeal, however, the First Appellate Court found the plaintiff temple to be a juristic person, capable of suing through a worshipper, and held the suit as maintainable. This finding has not been challenged before this Court.

7. On merits, the First Appellate Court analysed Ex.DW4/1, the lease deed, wherein Defendant No.1 described himself as "Khidmat Guzar" of the temple. It held that a mere servant or manager cannot lease property of a temple in his own capacity. Further, evidence regarding the application of lease proceeds for temple purposes was contradictory. Consequently, the lease deed was declared invalid and not binding on the plaintiff temple, as property of a deity cannot be alienated by a Mahant or Pujari projecting himself as owner. The appellate Court decreed the plaintiff's suit for declaration and possession.

8. Ld. Counsel for the appellant-defendant No.2 has argued that his possession under the lease deserves protection. The contention is untenable. As rightly observed by the appellate Court, Defendant No.1, being only a *Khidmat Guzar*, lacked authority to lease temple property for 99 years. Contradictions in evidence regarding use of lease proceeds further support this conclusion.



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9. Accordingly, there is no infirmity in the findings of the First Appellate Court. The lease deed has been rightly declared as null and void. Therefore, finding no merit in the present appeal, the same stands dismissed.

(DEEPAK GUPTA)
JUDGE

12.09.2025

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Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No