



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

120

**RSA-2603-1993 (O&M)
Date of decision : 16.05.2025**

Kehar Singh and another**..... Appellants**

versus

Ajit Singh and others**..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Ashwani Kumar Chopra, Senior Advocate with
Mr. Brahmjot Singh Nahar, Advocate and
Mr. Vidul Kapoor, Advocate
for the appellant No.1

Mr. B.S. Bedi, Advocate
for appellant No.2.

Mr. M.L.Sarin, Senior Advocate with
Ms. Hemani Sarin, Advocate
for the respondents No.9 to 12, 18, 20 to 23 & 25

Ms. Sarika Gupta, Advocate
for the respondents No.31, 32, 36, 38, 43, 45, 48,
49 & 50.

Mr. V. Ramswaroop, Advocate
for respondent No.56.

PANKAJ JAIN, J. (Oral)

1. Defendants have filed the present appeal.
2. Representative suit was filed under Order I Rule 8 CPC seeking decree of permanent injunction restraining defendants from taking any steps to alienate the properties in the name of Radha Swami Dera Baba Bagga Singh, Railway Road, Tarn Taran and from making any alteration or interfering in the affairs of Dera and its income till a person is appointed as Gaddidar with the consent and approval of



Sangat/believers of Math, Dera Baba Bagga Singh, Tarn Taran.

3. The plaintiffs claimed themselves to be residents of Tarn Taran and members of Sangat having faith and belief in the principles of Radha Swami Math, Dera Baba Bagga Singh. As per the pleaded case, Dera was being managed by Partap Singh son of Jodh Singh. He died on 26.04.1988 at Tarn Taran. Plaintiffs claimed that after death of Partap Singh, his son Kehar Singh defendant No.1 was trying to interfere in the estate of Dera without any approval and consent of Sangat claiming himself to be successor of Baba Partap Singh on the basis of Will. Plaintiffs claimed that there is no such Will executed by Baba Partap Singh and if there was any such will, the same is illegal, null and void. Plaintiffs further claimed that Gaddi of Dera cannot be given in inheritance by way of Will as per the customs of Dera. Defendant No.1 has no right to succeed to Gaddi.

4. Suit was contested by the defendants. Locus of the plaintiffs was questioned. As per defendants, defendant No.1 was duly nominated as his successor by previous head referred to as Sat Guru Partap Singh by executing Will dated 17.05.1987 as per the rules and regulations applicable to registered association of Radha Swami Dera Baba Bagga Singh. As per the defendants, nomination of defendant No.1 as successor to late Partap Singh was approved in the meeting of General Body of Association held on 07.05.1988. Defendant No.1 was duly appointed as Patron of Association as per the rules and the custom applicable to Dera. Suit filed by the plaintiffs was dismissed by the Court of first instance.



5. In appeal preferred by the plaintiffs, the findings recorded by the Court of first instance have been reversed. Appeal stands accepted and Lower Appellate Court passed decree of permanent injunction restraining defendants from taking any steps to sell the property in the name of Dera.

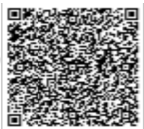
6. During the course of arguments, counsel for the parties are *ad idem* that Baba Kehar Singh to whose appointment the dispute pertains, has died on 31.12.2015. After his death, Baba Paramjit Singh stands appointed as Gaddi Nashin of the Dera and there is no dispute regarding the appointment of Baba Paramjit Singh.

7. In view thereof, this Court finds that once new Gaddi Nashin stands appointed, the appointment is not under challenge, the present *lis* has lost its significance.

8. At this stage, senior counsel Mr. Chopra submits that findings recorded by the Lower Appellate Court regarding the applicability of rules and regulations to the association be set aside as the same may operate as *res judicata* in future.

9. The present suit is suit for injunction, that too, till the date another person is appointed as Gaddidar as plaintiffs disputed appointment of Kehar Singh.

10. Once Paramjit Singh has been appointed after death of Kehar Singh and his appointment has not been challenged, the decree passed in the present suit has lost its sting with efflux of time. The findings recorded by the Lower Appellate Court shall not operate as *res judicata* as the suit was merely a suit for injunction.



- 11. With the aforesaid observations, the present appeal is disposed off.
- 12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

16.05.2025
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No