

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

**RSA-2637-2015(O&M)**

Date of decision : 27.03.2025

Dilbagh Singh

..... Appellant

versus

Harpal Singh @ Harpal Dass Chela &ors.

..... Respondents

**CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN**

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Present :- Mr. Prateek Sodhi, Advocate  
for the appellant.

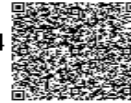
Mr. Ashish Aggarwal, Advocate  
for respondent No.1.

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**PANKAJ JAIN, J. (ORAL)**

1 Defendant No.1 is in regular second appeal. For convenience, parties hereinafter are referred to by their original position in the suit i.e. appellant as defendant No.1 and respondent No.1 as plaintiff.

2 Plaintiff filed a suit for permanent injunction seeking decree of restrain against the defendants from interfering in the peaceful possession of the plaintiff over the land as described in the head note of the plaint. As per the plaintiff his forefathers were owner in possession of the suit property admeasuring 29 kanal 14 marlas of agricultural land having Gurudwara constructed thereupon. The Gurudwara and the suit property was being looked after by the forefathers of the plaintiff. As per the plaintiff Jaswant Singh @ Jaswant Dass, father of the plaintiff executed legal and valid WILL dated 10.11.2004 in favour of the plaintiff with regard to the suit property.

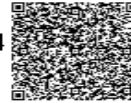


After death of Jaswant Singh @ Jaswant Dass plaintiff became exclusive owner of the suit land. Plaintiff is in peaceful possession over the suit land and is looking after the affairs of the Gurudwara since date of death of his father Jaswant Singh @ Jaswant Dass. Defendants happen to be residents of the village. Despite being in the knowledge of the fact that the suit land is owned and possessed by the plaintiff, they started interfering in the peaceful possession of the plaintiff.

3 Suit was contested by the defendants. It was denied that the plaintiff or his forefathers are owners in possession of the property in question. It was claimed that Gurudwara Singh Sabha is situated in the village abadi and not in the property in dispute. Gurudwara is being run and managed by the Society through its office bearers. It is the society which is in control and possession of the Gurudwara as well as property in dispute. Plaintiff after death of his father is residing in Gurudwara as a licensee. He was asked to vacate the premises. This has led to filing of the instant suit. Defendants further stated that the water motor connection was obtained by Jaswant Singh @ Jaswant Dass father of the plaintiff not as owner of the premises but only as a Granthi. Jaswant Singh @ Jaswant Dass being not owner of the property had no right to execute any WILL. The property stands in the name of Shri Guru Granth Sahib and is being managed by the registered Society.

4 On the basis of the pleadings following issues were framed :-

- 1. Whether the plaintiff is entitled to permanent injunction as prayed for? OPP*
- 2. Whether the present suit is legally not maintainable ? OPD*

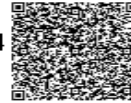


3. *Whether the plaintiff has no locus standi and cause of action to file the present suit ? OPD*
4. *Whether the suit is not property valued for the purposes of Court fee and jurisdiction? OPD Harpal Dass Vs Dilbagh Singh & Ors*
5. *Relief.”*

5 Trial Court while deciding issues No.1 and 3 held that the possession of the plaintiff has been admitted by the defendants. Settled possession of the plaintiff over the suit property stands proved vide Ex.P1 which is a document admitted by DW4-Prem Singh. Record of rights in the form of jamabandi for the year 2006-2007 as Ex.P7 records the name of the plaintiff in the column of cultivation. DW3-Sukhchain Singh also admitted possession of the plaintiff over the suit property. Plaintiff having been proved to be in settled possession is entitled for injunction. The Court of the First Instance thus decreed the suit filed by the plaintiff.

6 Dissatisfied defendants preferred appeal. The Lower Appellate Court has affirmed the findings recorded by the Court below and dismissed the appeal preferred by defendants.

7 Learned counsel for the defendant No.1 has assailed the findings recorded by the Courts below. He submits that the issue *qua* ownership has not been framed by the Courts below. After defendants pleaded that it was the society which was running day to day affairs of the Gurudwara, it was incumbent on the Courts below to have framed issue regarding day to day affairs of the Gurudwara. Plaintiff asserted his title as owner whereas it has been proved on record that father of the respondent

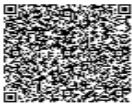


was Granthi at the Gurudwara and was in possession of one room in his capacity as licensee. Courts below ought not have granted injunction against true owners.

8 I have heard learned counsel for the parties and have gone through records of the case.

9 To make things more explicit, it needs to be mentioned that the suit property comprises of agricultural land. As per plaintiff, entire property including Gurudwara Sahib is being looked after by him and his predecessors-in-interest since times immemorial. Village Panchayat issued Major-nama in his favour. As per the revenue record, plaintiff Harpal Dass @ Harpal Singh Chela has been shown to be in possession of the suit land. Prior to him, his father Jaswant Singh @ Jaswant Dass was recorded as possessee. The Committee claimed to have been constituted by the defendants finds no mention in the revenue record. The possession of the plaintiff and prior to him that of his father is admitted even by the witnesses examined by the defendants. Admittedly, the so called committee came into being only on 25.06.2009 i.e. after the institution of the present suit. Defendants are totally silent about the maintenance of the Gurudwara and the property prior thereto. It is not their case that they are managing the affairs of Gurudwara. Rather the possession of the plaintiff over the suit land is admitted.

10 In the background of these circumstances, this Court finds that no fault can be found with the findings recorded by the Courts below decreeing the suit filed by the plaintiff.



11            Finding no merits in the present appeal, the same is ordered to be dismissed.

12            Pending miscellaneous application, if any, also stands disposed off.

**27.03.2025**  
*Pooja Sharma-I*

**( PANKAJ JAIN )**  
**JUDGE**

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