

**CR-6054-2023(O&M)****123 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CR-6054-2023(O&M)****Date of decision:02.04.2025**

Mahant Hanuman Giri

..Petitioner

Versus

Neeraj Kumar Saddi

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajaivir Singh, Advocate for the petitioner

Mr. Sarju Puri, Advocate for the respondent

ANIL KSHETARPAL, J. (Oral)

1. The petitioner herein has filed a suit for the grant of decree of permanent injunction restraining the defendant from interfering in his possession. The petitioner claims to be a Mahant of a religious institution. He claims that the suit property was allotted by the Government for religious purpose as Saunjidar. He also filed an application under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, 1908 which was dismissed by the trial court. However, the First Appellate Court allowed the application with respect to Rect.No.76, khasra no.3, 6, 7, 8/1, 8/2 and 6 min, but injunction was not granted qua the land comprised in Rect.no.76 khasra no.5/1 which measures 1 kanal 10 marlas.

2. Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

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3. Learned counsel representing the petitioner, while referring to Annexure P-6 at page 42, submits that Mahant Hanuman Giri was appointed as Mohitmim of the religious institution. Hence, the Court should have granted injunction with regard to the entire land.

4. Per contra, the learned counsel representing the respondent submits that order 'Annexure P-6' is only with regard to the appointment of petitioner as Mohitmim in place of the previous Guru or Mohitmim. He submits that the respondent is in exclusive possession of the suit property and there was a settlement between the parties on 04.04.2024 in this regard. He has produced a print out of the same.

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

6. At this stage, the Court is required to examine the case prima facie. From a perusal of the settlement dated 04.04.2024, it becomes evident that possession of 1 kanal 10 marlas comprised in Rect.No.76 khasra no.5/1 is acknowledged in favour of the respondent. The respondent further submits that the property is secured by constructing a boundary wall and Poplar trees have been planted.

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

8. Hence, dismissed.

9. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

02.042025

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No