



In the High Court of Punjab and Haryana, at Chandigarh

1. Regular Second Appeal No. 6427 of 2018 (O&M)

Daya Ram

... Appellant(s)

Versus

Ajay and Others

... Respondent(s)

AND

2. Regular Second Appeal No. 2041 of 2013 (O&M)

Daya Ram

... Appellant(s)

Versus

Mam Chand and Others

... Respondent(s)

DATE OF DECISION: 26.03.2025

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. B.R. Rana, Advocate
for the appellant(s).

Ms. Tanika Goyal, Advocate
for Mr. Kunal Dawar, Advocate
for respondents No.1 to 3 and 14 (In RSA-6427-2018)
and for respondent No.1 (In RSA-2041-2013).

Anil Kshetarpal, J.

1. With the consent of the learned counsel representing the parties, two connected regular second appeals i.e. Regular Second Appeal No. 6427 of 2018 and Regular Second Appeal No. 2041 of 2013 shall stand disposed of by this common order.

2. Both the appeals have been filed by defendant No.1 to assail the

correctness of the First Appellate Courts' judgments which, in turn, have reversed that of the Trial Courts.

3. In order to comprehend the issues involved in the present case, the relevant facts, in brief, are required to be noticed. In fact, two separate suits were filed for the grant of decree of permanent injunction restraining the defendants from taking forcible possession of the property or alienating the same. One suit was filed in individual capacity, whereas another was filed as a representative suit. It is the case of the plaintiffs that they belong to Balmiki (Harijans) community and are in possession of the suit property which is being used for religious purpose.

4. The defendant No.1 contested the suit claiming that his father Puran Lal was in possession of the suit land being a Trustee of the Trust, named as "Lal Guru Bhangi" and after his death, he has inherited the Trust and hence, he is in control of the property.

5. The First Appellate Courts found that the property is used by the community for religious purpose. Hence, the injunction orders have separately been passed in both the appeals, in the following manner:-

"Operative Part of the injunction order passed by the First Appellate Court in Regular Second Appeal No. 6427 of 2018

19. *In such circumstances, I am of the view that civil suit is liable to be decreed. Resultantly, appeal in hand stands allowed and impugned judgment and decree passed by learned lower court is set aside. Civil suit of plaintiff is decreed and defendants are restrained from taking forcible possession of suit property and for using the same for their exclusive use and from*

*selling, transferring or alienating the same to anybody else.
Decree-sheet be drawn accordingly. Lower Court record be
returned immediately along with a copy of this judgment;
whereas appeal file be consigned to record room after due
compliance.”*

XXXX XXXX XXXX XXXX XXXX

**Operative Part of the injunction order passed by the First
Appellate Court in Regular Second Appeal No. 2041 of 2013**

*16. In view of the foregoing discussion, while allowing the
appeal, the suit of the appellant/plaintiff No.9 and respondents
No. 8 to 22 is decreed and the respondent-defendants 1 to 7 are
restrained from making any encroachment upon or alienating
the land comprised in Khasra No. 1985, 1985-B and 1986.
Decree-sheet be drawn accordingly. A copy of this judgment be
placed on Lower Court Record and the same be returned to
records. File be consigned to records.”*

6. The learned counsel representing the appellant submits that
under the garb of the aforesaid orders, the appellant has been deprived to
offer prayers at a religious place.

7. This Court has considered the submissions of the learned
counsel representing the parties.

8. There is no restraining order against the appellant restraining
him from offering prayers at a religious place. He has been restrained from
taking forcible possession of the suit property and for using the same for his
exclusive use and for not alienating the same in any manner.

9. The learned counsel representing the appellant did not press any other submission.

10. Keeping in view the aforesaid facts, no ground is made out to interfere with the judgments passed by the First Appellate Courts. Hence, both the appeals are dismissed.

11. The miscellaneous application(s) pending, if any, in both the appeals shall stand disposed of.

**(Anil Kshetarpal)
Judge**

**March 26, 2025
“DK”**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No