



CR No. 3671 of 2026 (O&M) -1-

109 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 3671 of 2026 (O&M)
DATE OF DECISION: 01.05.2026

DILBAG MOHAMMAD

.....PETITIONER

Vs.

GAFFOOR MOHAMMAD @ PAPPU AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. M.S. Khaira, Senior Advocate, with
Mr. Randeep Singh Khaira, Advocate,
for the petitioner
(through video conferencing).

Mr. Davinder Singh, Advocate,
for caveator-respondent No. 3.

Mr. Ajaivir Singh & Mr. Shahbaz Khan, Advocates,
for caveator-respondents No. 1, 2, 4 to 12.

AMARINDER SINGH GREWAL, J.

1. Prayer in the present Civil Revision Petition filed under Article 227 of the Constitution of India is for setting aside the impugned order dated 13.04.2026 (Annexure P-5) passed by the learned Additional District Judge, Rupnagar, in appeal bearing No. CMA/7/2026, as well as order dated 05.12.2025 (Annexure P-4) passed by the learned Civil Judge (Junior Division), Sri Anandpur Sahib in Civil Suit No. 129 of 2024 titled as '*Dilbag Mohd. vs. Gafoor Mohd. and others*', whereby the application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908



(for short, '*the CPC*') filed by the plaintiff-petitioner has been dismissed.

2. The brief facts of the case are that the present petitioner had filed a suit for permanent injunction restraining the respondents/defendants, namely Gaffoor Mohammad @ Pappu and others, and their associates and family members from interfering in any manner in the peaceful possession of the plaintiff (being a '*Mahant Mohatmim*' of '*Khangah Baba Budhan Shah Ji*'), managing collection, offerings and all the affairs/funds of '*Khangah Baba Budhan Shah Ji*', and further restraining them from creating any type of dispute with the public, '*Shardhaloos*', workers and also restraining them from holding '*Chownki*' in the premises of '*Khangah Baba Budhan Shah Ji*', wherefrom they allegedly misguide the '*Shardhaloos*' and general public by projecting themselves as '*God Gifted Mahant*' and by supplying '*Dhaga*', '*Tabeez*', '*Yantra*' etc., and by using wine, smoke and intoxicant material in '*Khangah Baba Budhan Shah Ji*.'

2.1 Along with the suit, the present petitioner had also filed an application under Order XXXIX Rules 1 and 2 CPC read with Section 151 thereof, wherein it was submitted that the petitioner is the '*Mahant Mohatmim*' of '*Khangah Baba Budhan Shah Ji*' and has been continuously controlling and managing its affairs, including collection and utilization of offerings, pursuant to long-standing custom, prior judgments/compromises and the '*Lok Adalat*' order dated 05.02.2000. Despite this, the respondents, who allegedly have no authority to interfere, have been repeatedly obstructing the petitioner's management, creating disturbances, threatening '*Sewadars*' and devotees, forcibly interfering with offerings and instigating disputes, thereby causing breach of peace and irreparable harm to the



sanctity, property and administration of '*Khangah Baba Budhan Shah Ji*.'

2.2 It was further submitted by the petitioner that such acts are illegal, contrary to settled rights and aimed at harassment and unlawful gain. Thus, it was submitted that the petitioner has a *prima facie* case, the balance of convenience lies in his favour and, in case the respondents are not restrained from the above acts, it would result in irreparable loss and injury to the petitioner and the institution. Accordingly, a prayer was made that the respondents be restrained from interfering in the management, collection of offerings and peaceful possession of '*Khangah Baba Budhan Shah Ji*' during the pendency of the suit.

2.3 Notice of the suit as well as of the injunction application was issued to the respondents. Respondents No. 1 to 9 appeared and filed their written statements as well as a reply to the application, submitting that the present application is misconceived, not maintainable and barred by law, including under Sections 12 and 97 CPC and Order XXII Rules 1 and 3 CPC, as the disputes relating to '*Khangah Baba Budhan Shah Ji*' already stand finally and conclusively settled by earlier judgments, decrees and lawful compromises, particularly the compromise dated 09.04.1981, judgment and decree dated 28.03.1989 and the compromise dated 22.01.2000, all of which operate as *res judicata* and are binding on the parties.

2.4 It was further submitted that neither the petitioner-plaintiff nor his predecessors were ever recognized as exclusive or absolute '*Mohatmim*', and that the competent Courts have categorically declared the contesting parties to be in joint possession, thereby negating any claim of



exclusive '*Mahantship*'. The respondents-defendants claim lawful status as co-sharers and '*Co-Mohatmims*', some by inheritance and others as legal successors, and assert their settled rights to perform '*Sewa*', religious rites, participate in the management of the '*Khangah Baba Budhan Shah Ji*' and receive offerings, submitting that a simple suit for injunction against co-sharers/'*Co-Mohatmims*' is not maintainable in law.

2.5 It was also submitted that the petitioner and his family members have been arbitrarily and unlawfully controlling the affairs of the '*Khangah Baba Budhan Shah Ji*', misappropriating and embezzling offerings by collecting them in the name of the shrine and diverting the same into their personal accounts, maintaining false accounts, withdrawing excessive amounts through forged bills, holding '*Chownki*', distributing '*Dhaga*', '*Tabeez*', '*Yantra*' for monetary gain, and thereby mismanaging the shrine and damaging its sanctity and reputation. A prayer was made that the application be dismissed.

2.6 The learned Civil Judge (Junior Division), Sri Anandpur Sahib, after hearing learned counsel for the parties, dismissed the application under Order XXXIX Rules 1 and 2 read with Section 151 CPC vide order dated 05.12.2025 (Annexure P-4).

2.7. Aggrieved against the said order, the present petitioner filed an appeal before the learned Additional District Judge, Rupnagar, but the same was also dismissed vide order dated 13.04.2026 (Annexure P-5), which is under challenge now.

2.8 Dissatisfied with the aforesaid order dated 13.04.2026 (Annexure P-5), the present petitioner filed the instant Civil Revision



Petition before this Court.

3. Learned Senior Counsel for the petitioner contended that the orders passed by the learned Courts below are cryptic in nature, as they have failed to appreciate that the respondents are creating disputes in '*Khangah Baba Budhan Shah Ji*' and acting contrary to its principles.

3.1 It was further contended that the respondents are creating disputes with the public, '*Shardhaloos*', and workers, and are holding '*Chownki*' in the premises of '*Khangah Baba Budhan Shah Ji*', wherefrom they misguide the '*Shardhaloos*' and general public by projecting themselves as '*God Gifted Mahant*'. It was also contended that the respondents are using wine, smoke and intoxicant material in '*Khangah Baba Budhan Shah Ji*'. Accordingly, it was argued that the respondents be restrained from supplying '*Dhaga*', '*Tabeez*', '*Yantra*' and from using wine, smoke and intoxicant material in '*Khangah Baba Budhan Shah Ji*'.

4. Notice of motion.

5. On the asking of the Court, Mr. Davinder Singh, Advocate, accepts notice on behalf of caveator-respondent No. 3, and Mr. Ajaivir Singh and Mr. Shahbaz Khan, Advocates, accept notice on behalf of caveator-respondents No. 1, 2 and 4 to 12. With the consent of learned counsel for the parties, the present petition is taken up for final disposal at this stage.

6. *Per contra*, learned counsels for the respondents contended that a compromise was effected between the parties on 22.01.2000, wherein it was agreed that after deduction of expenses, the offerings would be distributed amongst the parties in agreed proportions. It was further



contended that the respondents have never created any dispute with the public, '*Shardhaloos*', or workers, nor have they used any intoxicant material in '*Khangah Baba Budhan Shah Ji*'.

6.1 It was also contended that the allegations that the respondents are projecting themselves as '*God Gifted Mahant*' and supplying '*Dhaga*', '*Tabeez*', '*Yantra*' are false and baseless, and that the present revision petition has been filed on misconceived grounds and deserves to be dismissed.

7. I have heard learned counsel for the parties and perused the paper-book.

8. On hearing the submissions made by learned counsel for the parties, this Court is of the considered view that it is an admitted fact that a compromise dated 22.01.2000 was effected between the parties. Further, though learned counsel for the petitioner contended that the respondents are using wine, smoke and intoxicant material in '*Khangah Baba Budhan Shah Ji*', no evidence has been placed on record at this stage to substantiate such allegations. Had such activities been taking place, it would be expected that devotees would have lodged complaints before the competent authorities; however, no such complaint has been brought on record.

9. Similarly, there is no material on record at this stage to show that the respondents are misleading the '*Shardhaloos*' and workers by projecting themselves as '*God Gifted Mahant*' or by supplying '*Dhaga*', '*Tabeez*', '*Yantra*', or by using wine, smoke or intoxicant material in '*Khangah Baba Budhan Shah Ji*.'



CR No. 3671 of 2026 (O&M) -7-

10. In these circumstances, this Court is of the opinion that the learned Courts below have rightly appreciated the facts and have correctly dismissed the application for injunction.

11. Finding no illegality or perversity in the order dated 13.04.2026 (Annexure P-5) passed by the learned Additional District Judge, Rupnagar, the present revision petition, being devoid of merit, is accordingly dismissed.

12. In view of the disposal of the present petition, the caveat petition also stands disposed of.

13. Pending miscellaneous application(s), if any, shall also stand disposed of.

MAY 01, 2026

(AMARINDER SINGH GREWAL)

nitin

JUDGE

Whether Speaking

Yes

Whether Reportable

No