



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.1226 of 1991 (O&M)

Reserved on: 27.01.2025

Date of Order:30.04.2025

Murti Shivji Maharaj through Banwari Lal and others

.Appellants

Versus

Gobind Ram (Deceased) through LRs and others

..Respondents

RSA No.1551 of 1991 (O&M)

Gobind Ram (Deceased) through LRs and others

.Appellants

Versus

Murti Shivji Maharaj and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kulbhushan Sharma, Advocate
for the appellants (in RSA No.1226 of 1991)

Mr. M.L.Sarin, Sr. Advocate, with
Ms. Hemani Sarin, Advocate
for the appellants (in RSA-1551-1991)
for the respondents (in RSA-1226-1991)

ANIL KSHETARPAL, JUDGE (Oral)

1. With the consent of the learned counsel representing the parties, two connected Regular Second Appeals i.e. 1226 of 1991 and 1551 of 1991, shall stand disposed of by this order.

2. In this litigation, the dispute is with regard to management of a temple located in Mohalla Farash Khana, Narnaul. It has come on record that predecessor-in-interest of the defendants, namely, Sh. Bahadurmal Modi along with certain other persons, dedicated a particular area for religious purposes and a temple was constructed in which deity Lord



Shiva was established. At one point in time i.e. on 14th harh samvat 1985, Modi Bal Mukand gave an undertaking that Purohit Harnarain Bin will manage the property and he and his successors would not claim any ownership.

3. The plaintiffs are grand children of Pandit Har Narain, who claim exclusive rights to manage the property which is admittedly a temple. There is also dispute with regard to a small room which is claimed to be a part of temple by the plaintiffs but denied by the defendants.

4. Defendants have also filed the counter claim restraining the plaintiffs from residing in the premises or claiming to be Mohtamim of the property. It is also claimed that the plaintiffs should be restrained from damaging the property or demolishing the wall because abutting the temple there is the residence of the defendants.

5. The trial court decreed the plaintiffs' suit accepting the plaintiffs claim that they are Mohtamims, whereas the ownership vests in the deity. The room is also part of the temple and their possession over the room is as tress-passers.

6. The defendants filed first appeal which has been partly accepted while dismissing the plaintiffs' suit, however, the counter claim filed by the defendants was also dismissed.

7. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book along with the scanned copy of trial court record.

8. The plaintiffs have also filed an application for additional evidence to prove that Sh. Bahadur Mal Modi/Bal Mukand Modi dedicated



the property for religious purpose and Sh. Harnarain, their predecessor was appointed as Mohatmim.

9. It is evident that there is no evidence to prove that the office of Mahant/Pujari was heritable. Undoubtedly, at one stage, Purohit Harnarain was authorized to manage the religious property and perform the functions of Purohit, however, that would not itself prove that the office of Purohit becomes heritable. Hence, there is no error in the findings of the First Appellate Court on this aspect.

10. During the course of hearing, the parties were directed to resolve the controversy by coming out with a solution. The defendants have offered to spend on the renovation of the temple, however, they are opposing the plaintiffs' right to Mahantship. Consequently, Deputy Commissioner, Mahendergarh at Narnaul, was requested to explore the possibility of constituting an independent committee for taking care of the welfare of the temple. He has offered to constitute a committee which shall be headed by Sub Divisional Magistrate, Narnaul.

11. Keeping in view the aforesaid position, these appeals are disposed of with the following directions:-

- (i) The Deputy Commissioner will constitute an independent Committee which is headed by the Sub Divisional Magistrate, Narnaul, which will include respectable members of the area. However, the plaintiffs, namely, grand children of Sh. Har Narain will have no right to interfere in the management of the temple.
- (ii) The Committee will appoint a Pujari, who would perform



the religious ceremonies at the temple.

- (iii) The temple will be maintained with the contributions of the respectables of the area including the defendants, who have offered to spend for its renovation.
- (iv) The Committee would also examine the requirement of suitable modification/renovation in order to avoid any interference or disturbance to the defendants, who own the adjoining house.
- (v) From perusal of report of the Local Commissioner and layout plan, it appears that the room is part of the temple complex which is far away from the residence of the defendants, hence, the defendants are directed to surrender the possession of the room to an independent Committee.
- (vi) An account for deposit of offering collected in the temple shall be open and efforts would be made to manage the property along with the aforesaid income.

12. With these observations, both the appeals are disposed of.

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

(ANIL KSHETARPAL)
JUDGE

30th 04, 2025

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