



RSA-662-2023 (O&M)

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

RSA-662-2023 (O&M)

Date of decision : 22.05.2025

Mohinder Singh & ors.

..... Appellants

versus

Shri Guru Ravi Dass Dharamshala Committee & ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. V.K.Sandhir, Advocate for the appellants.

PANKAJ JAIN, J. (ORAL)

1 Defendants are in appeal.

2 Plaintiff-Committee filed suit for permanent injunction restraining the defendants from interfering in the possession of the plaintiff over the property described as community hall/janjhghar/dharamshala.

3 As per the case of the plaintiff-Shri Guru Ravi Dass Dharamshala Committee, Committee is in actual physical possession over the suit property and is managing the same since year 1973. The property in question i.e. dharamshala was constructed on the land of *Mustaka Malkhana* which is for the benefit of the community at large. The plaintiff-Committee has been performing various religious and social functions at times. Defendants have no right, title or interest over the suit property; however they are trying to threaten the possession of the plaintiff.

4 Suit was contested by the defendants. It was admitted that the property came into existence in the year 1973 and was constructed by residents of the village. However, defendants claimed that the property is not



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Dharamshala, but is in form of Gurudwara Sahib where there is a Parkash of Sri Guru Granth Sahib Ji. The plaintiff-committee has no concern with the property in question.

5 Suit was put to trial framing following issues :-

“1. Whether the plaintiff is entitled to permanent injunction, as prayed for?

2. Whether the suit of the plaintiff is not legally maintainable? OPD

3. Whether the plaintiff has not come to the court' with clean hands? OPD

4. Whether the suit is bad for non-joinder and mis-joinder of necessary party? OPD

5. Relief.”

6 Both the courts have concurrently found that the plaintiff-Committee has proved its possession over the suit property.

7 Mr. V.K.Sandhir, Advocate while assailing the findings recorded by the Courts below claims that despite giving finding of there being Parkash of Sri Guru Granth Sahib Ji, Courts below erred in decreeing the suit filed by the plaintiff. He however, is not in a position to dispute that the main issue in the suit for permanent injunction was with respect to rival claims of the parties of being in possession of the property rather the nature of the property.

8 Plaintiff having proved its possession and pure finding of fact having been recorded by the Courts below, this Court finds no merits in the present appeal and the same is ordered to be dismissed.

22.05.2025

Pooja Sharma-I

Whether speaking/reasoned:
Whether reportable:

**(PANKAJ JAIN)
JUDGE**

Yes/No
Yes/No