

(1979) 02 P&H CK 0019
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 1761 of 1978

Amarjit Singh and Others

APPELLANT

Vs

Darshan Singh Mahoon and Others

RESPONDENT

Date of Decision : 08-02-1979

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 1 Rule 8

Citation : AIR 1979 P&H 208

Hon'ble Judges : S.P. Goyal, J

Bench : Single Bench

Judgement

1. This is a revision petition against the order of the learned Sub-Judge 3rd Class, Amritsar, dated Aug, 22, 1978, granting permission to the plaintiff-respondents under O. 1, R. 8 of the Civil P. C. to sue in a representative capacity on behalf of Har Sangat, devotees of tenets laid down by Mahraj Puran Singh. In the suit, declaration is claimed regarding the properties, in dispute, acquired for religious purpose and belonging to Har Sangat whose membership consist of about 16,000 members spread all over the world.

2. The learned counsel for the petitioners has challenged the validity of the impugned order on the ground that unless the persons sought to be represented are ascertainable and a list of those persons is filed by the plaintiffs, It is not possible to comply with the provisions of sub-clause (2) O. 1, R. 8 of the Civil P. C. and, therefore, no permission could be granted under the said order. The argument is wholly misconceived. Sub-clause (2) does not require that a list of the persons sought to be represented has to be filed or that a notice has to be served personally on each person. When a suit is sought to be filed on behalf of a class or sect of certain faith, it is impossible to file such list and the notice envisaged in sub-clause (2) has to be served by citation or proclamation.

3. It was next contended that there was no sect of the name of Har Sangat and unless a finding is recorded by the Court to this effect no permission could be granted under O. 1, R. 8 of the Civil P. C. This objection cannot be taken at this

stage and the same would be decided when the suit is tried on merits. If the Court found that there is no sect of the name of Har Sangat, the suit would be liable to dismissed, but while granting permission what is stated in the plaint is to be taken as correct. There is, thus, no merit in either of the two objections raised by the learned counsel for the petitioners.

4. This petition, consequently, must fail and is hereby dismissed. No costs.

5. Petition dismissed.