

(1998) 09 P&H CK 0157

In the Punjab And Haryana At Chandigarh

Case No : Civil Revision No. 2012 of 1993 and C.M. No. 5196-CII of 1993

Murti Bara Mandir Hanuman Ji

APPELLANT

Vs

Durgiana Committee Registered

RESPONDENT

Date of Decision : 23-09-1998

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 6 Rule 17

Citation : (1999) 121 PLR 733 : (1999) 1 RCR(Civil) 96

Hon'ble Judges : G.C. Garg, J

Bench : Single Bench

Advocate : J.S. Wasu and C.L. Sharma, for the Appellant; Munishwar Puri and Deepali Puri, for the Respondent

Final Decision : Dismissed

Judgement

G.C. Garg, J.—This order will dispose of Civil Revisions 2012 and 2013 of 1993 as those are directed against similar orders.

2. Murti Bara Mandir Hanuman Ji, Presiding Deity, Bara Hanuman Mandir installed in Bara Hanuman Mandir outside Lohgarh Gate, Durgiana Abadi, Amritsar filed a suit through Durga Dass and Tilak Raj sons of Paras Ram for declaration that mutation No. 6619 dated 9.10.1979 sanctioned by defendant No. 3 in favour of defendant No. 1, Durgiana Committee Registered, Amritsar is illegal, null and void, ineffective and not binding on the plaintiff. This suit was filed in April, 1984. The plaintiff through Tilak Raj and Paras Ram filed another suit in October 1984 for possession of Mandir Bara Hanumanji as fully detailed in the head note of the plaint of Civil Suit 1138 of 29.10.1984. During the pendency of the suit, the plaintiff moved two applications under Order 6 Rule 17 of the CPC for amendment of the plaints in the two suits. It was averred that Durga Dass and Tilak Raj through whom the suits were filed, got a society registered in the name and style of Sankat Mochan Bara Hanuman Mandir, Sewa Dal and Durga Dass is the Chairman of the said society. It was further averred that as Durga Dass is the Chairman of Sankat Mochan Bara Hanuman Mandir Sewa Dal, the

heading of the plaint may be ordered to be amended showing the suit having been filed by Murti Bara Hanumanji Mandir through Durga Dass, Chairman of Sankat Mochan Bara Hanumanji Mandir Sewa Dal, registered, Amritsar. The applications were opposed by the defendant by filing replies. It was submitted that the applicant Durga Dass has no right to represent the deity. Durga Dass and Tilak Raj themselves applied to the Court under, Section 92 of the Code to appoint the trustees of the temple and accordingly three persons were appointed as trustee of the above temple, namely, Madan Mohan Khanna, Gurparshad and Hind Kumar. The registration of the society, if any, by Durga Dass and Tilak Raj has thus no effect on the present suit.

3. Trial court on a consideration of the matter, dismissed the applications by order dated 10.5.1993. Hence these revision petitions at the instance of the plaintiff.

4. After hearing learned counsel for the parties, I am of the opinion that these petitions have no merit and the same deserve to be dismissed. As already noticed, the plaintiff filed a suit for declaration through Paras Ram and Tilak Raj. During the pendency of that suit, it also filed another suit for possession again through Paras Ram and Tilak Raj. They moved applications for amendment of the plaints whereby a change was sought to be made in the description of the person through whom the suits were filed on behalf of the deity i.e. in place of Durga Dass and Tilak Raj, "Durga Das as its Chairman of Sankat Mochan Bara Hanumanji Mandir, Sewa Dal Registered, Amritsar" was sought to be incorporated. Trial court on a consideration of the matter came to the conclusion that registration of the society in the name and style of Sankat Mochan Bara Hanumanji Mandir Sewa Dal and the appointment of Durga Das Chairman has no effect on the controversy involved in the above suits nor the appointment of Chairman of Sankat Mochan Bara Hanunianji Mandir Sewa Dal, Registered, Amritsar against the name of Durga Dass is going to effect the controversy involved in the suit. It was further observed that if Durga Dass has acquired any status as a Chairman of the above society, it will have no bearing on the controversy raised in the suit. I have considered the matter and find that the proposed amendment is not necessary nor will it advance the case of the plaintiff. The suits were filed in the year 1984 incorporating the status of the deity which it had at that time and if on a subsequent occasion, a society has been registered and its Chairman has been appointed, and it has been rendering its services to the deity, this fact has no effect on the controversy raised in the suit. There is another aspect of the matter as well. If during the pendency of the suits, the society is abolished and/or its present Chairman Durga Dass is replaced by another Chairman, would the plaintiff still seek another amendment to incorporate the name of the new chairman. If another society comes into being and starts rendering its services to the deity, and prays for amendment of the plaint, should it also be allowed to be incorporated in the heading of the plaint. The answer apparently would be in the negative. Thus the proposed amendment is not material or necessary at all. The revision petitions are

consequently dismissed. Parties through their counsel are directed to appear in the trial court on 2.11.1998. Trial Court shall now dispose of the matter in accordance with law at an early date. No costs.