



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

**CMP No. 10682 of 2024 in
RFA No. 240 of 2016
Reserved on: 15.12.2025
Decided on: 08.01.2026**

Late Sh. Ghanshyam Dass and others
....Non-Applicants/appellants
Versus
Mahinder Singh Chawla and others
....Applicants/respondents

Coram

Hon'ble Mr. Justice Sushil Kukreja, Judge

Whether approved for reporting?¹

For the non-applicants/ appellants:	Mr. R.L. Sood, Senior Advocate with Ms. Sanjivini Sood, Mr. Aakash Thakur and Mr. Vidur Kapur, Advocates.
For the respondents:	Respondent No.1 is stated to have expired. Mr. Sunil Chauhan, Advocate, for the applicants/respondents No.2 and 3. Name of respondents No.4 & 6 stands deleted. None for respondents No.5(a),5(b), 7, 9 & 10.

Sushil Kukreja, Judge

This order shall dispose of an application filed by the
applicant/respondent No.3-Harjinder Singh, under Order 22, Rule

¹ Whether reporters of Local Papers may be allowed to see the judgment?



10 of CPC for substitution of the applicants as respondents on the devolution of interest in the suit property.

2. It has been averred in the application that respondents No.1 to 3 were the original plaintiffs in the civil suit and during pendency of the appeal, respondent No.1 had died. The suit property, pertains to Gurudwara Granth Sahib, Bhunter, District Kullu, HP and is managed by the management committee, through its Secretary and the applicant/respondent No.3 Harjinder Singh is the Secretary of the managing Committee. Under the orders of the learned Trial Court, the suit property was taken over by the Manager for the administration and to oversee the management committee of the Gurudwara during pendency of the litigation. The entire management and administration of the property of Guru Dwara Sri Guru Granth Sahib Ji Bhunter, including the interest in property under litigation is now entirely devolved upon Guru Dwara Sri Guru Granth Sahib Ji Bhunter, through its Secretary and the applicant is entitled to be impleaded as a respondent to defend the interest of the Gurudwara Sahib Ji in the appeal.

3. It has further been averred in the application that the non-applicants/appellants, who are having knowledge of the



devolution of the interest of the suit property on the applicant, are not going to be prejudiced in any manner, if the aforesaid successor is brought on record as successor on behalf of the respondent No.3. That after the devolution of the interest in the property, the Executive Committee of the Guru Dwara Sri Guru Granth Sahib Ji Bhunter is entitled to succeed and represent the interest of the respondents in the appeal. Hence, it is prayed that Guru Dwara Sri Guru Granth Sahib Ji Bhunter, through its Secretary, may be permitted to be brought on record to represent the interest of the Gurudwara Granth Sahib, Bhunter, District Kullu, H.P.

4. In the reply to the application, the non-applicants/appellants took preliminary objections regarding maintainability of the application at the behest and instance of Harjinder Singh, that the provisions of Order 22, Rule 10 of CPC can only be invoked before the impugned judgment and decree was passed in the suit and there was no legal juristic person/society at the time of the suit and decision of the same. On merits, it has been averred that there was and is no Gurudwara Shri Guru Granth Sahib Ji Bhunter and the present appeal was admitted on 20.07.2016, when this



Hon'ble Court was pleased to stay the operation and execution of the judgment and decree dated 31.03.2016 passed by the learned District Judge, Kullu in Civil Suit No.26 of 2013 (53 of 1997). It has further been averred in the reply that Gurudwara Shri Guru Granth Sahib Ji Bhunter was registered only on 19.07.2019, therefore, it is false to contend that it was managing any property/alleged Gurudwara. The non-applicants/appellants are the *dominus litis* of the present appeal and the applicant is not a successor and no interest in the property has devolved on it. Infact, the plaintiffs themselves did not have any interest in the property, hence, prayer for dismissal of the application has been made as nothing could devolve upon the applicant.

5. The applicants filed rejoinder to the reply filed by the non-applicants/appellants, wherein they reiterated the stand taken by them in the application.

6. I have heard learned counsel for the applicants/respondents No.1 to 3 and learned Senior Counsel for the non-applicants/appellants and also gone through the record of the case carefully.



7. Perusal of the record reveals that respondents No.1 to 3 were the original plaintiffs before the learned Trial Court and they had filed a suit under Section 92 of CPC for appointment of a new Trustee of Gurudwara, Guru Granth Sahib, Bhunter, as well as its property, vesting the property and management of said Guru Granth Sahib in the Trustee, directing the defendants to deliver the possession of the Trust property, directing the defendant No.1, Uttam Singh (now deceased) to render accounts of the property of Guru Granth Sahib and for framing a Scheme for the property management of Gurudwara, Guru Granth Sahib, which was partly decreed in favour of the plaintiffs. The perusal of record further reveals that the suit was filed by the plaintiffs in their personal capacity and it was not filed for and on behalf of any registered juristic body, such as Gurudwara Guru Granth Sahib, Bhunter. It has been averred by the respondents/non-applicants, in their reply, that Gurudwara Sri Guru Granth Sahib Ji, Bhunter had been registered as a society only on 19.07.2019 under the Himachal Pradesh Societies Registration Act, 2006 and there was no legal juristic person/society at the time of institution of the suit and its decision. However, the applicants have not specifically denied the aforesaid



averments in the rejoinder. The present appeal was admitted on 20.07.2016, when a coordinate Bench of this Court had ordered to stay the operation and execution of the impugned judgment dated 31.03.2016, passed by the learned District Judge, Kullu, HP.

8. At this stage, the applicant cannot be said to be a successor-in-interest on behalf of respondent No.3, as alleged. Whether the applicant's interest in the suit property has entirely devolved upon Guru Dwara Sri Guru Granth Sahib Ji Bhunter or not, can only be decided at the time of final decision of the appeal and no finding can be given on this aspect while deciding the present application.

9. Consequently, the instant application, being devoid of any merit, deserves to be dismissed and the same is dismissed accordingly.

10. Be it stated that any expression of opinion given in this order does not mean an expression of opinion on the merits of the case and is only confined to disposal of this application.

January 08, 2026
(V.Himalvi)

(Sushil Kukreja)
Judge