

I would, therefore, affirm the judgment of the District Judge and dismiss this appeal with costs.

A. N. C.

Appeal dismissed.

APPELLATE CIVIL.

Before Broadway and Tapp JJ.

LACHHMAN DAS (DEFENDANT) Appellant

versus

INTIZAMIA COMMITTEE OF GURDWARA OF
CHARAN KANWAL AND OTHERS (PLAINTIFFS)

Respondents.

Civil Appeal No. 413 of 1928.

Sikh Gurdwaras (Punjab) Act, VIII of 1925, section 28
—Proceedings under—whether suits—Valuation of.

Held, that although a proceeding under section 28 of the Sikh Gurdwaras Act is treated as a suit, it was not the intention of the Legislature to enable plaintiffs to fix more or less their own value on such proceedings in order to enhance the costs incurred.

First appeal from the decree of Sardar Sewaram Singh, District Judge, Hoshiarpur, dated the 17th November 1927, decreeing the plaintiffs' suit.

NIHAL SINGH, for Appellant.

CHARAN SINGH, for Respondents.

BROADWAY J.—On the 28th of April 1926 a BROADWAY J. *Gurdwara* situated in village Kiratpur in the Una *Tahsil* of the Hoshiarpur District was notified as a Sikh *Gurdwara* under the Sikh Gurdwaras Act of 1925. On the 17th of September 1926 another notification was issued publishing a consolidated list containing the description of the property of the *Gurdwara* together with all the necessary boundaries thereof. On the 30th of May 1927 another notification was issued (No. 125-G.) in which it was declared, under section 5 (3) of the Act, that no claim to any

1930

March 24.

1930
 LACHHMAN
 DAS
 v.
 INTIZAMIA COM-
 MITTEE OF
 GURDWARA OF
 CHARAN
 KANWAL.
 BROADWAY J.

right, title or interest in any of the properties mentioned in the consolidated list published under section 3 had been preferred. Subsequent to this the Committee of management of the *Gurdwara* in question, namely, the *Gurdwara* Charan Kanwal took proceedings under section 28 of the *Gurdwaras Act* asking to be put in possession of the *Gurdwara* and the property mentioned in the consolidated list referred to above. One *Mahant* Lachhman Das was made the principal defendant. This defendant claimed that a *Dharm-sala* situated to the south belonged to him and that it had not been included in the notification. Certain other claims were advanced relating to the land, but on the 21st October 1927 Lachhman Das definitely stated that he had no objection to a decree being passed for possession of the *Gurdwara*, and the lands situated in *Mauza* Kalyanpur and *Mauza* Jeowal which were then in suit. He confined his objection to the *Dharm-sala*. The learned District Judge after an examination of the notification and the plan published with it came to the conclusion that the *Dharm-sala* had been included in the notification and that the defendant Lachhman Das had failed to prove any facts which would bring him within the purview of section 30. He accordingly granted the plaintiff a decree, as prayed, allowing a sum of Rs. 509 as pleader's fee.

Against this decree *Mahant* Lachhman Das, has preferred this appeal, attacking the finding as to the *Dharm-sala* having been notified, as well as objecting to the decree for possession relating to the lands. He also protested against the pleader's fee allowed. Now, an examination of the plan which was published with the notification showed that the boundaries of the *Gurdwara* were given as a hill to the north, Kiratpur road to the south, a *choi* to the east and Kiratpur road to the west. The plan shows that the view taken

by the learned District Judge is correct and that the southern boundary of the property which was notified was definitely and unmistakably given as Kiratpur road, and that the *Dharmasala* now in question was included in the property notified. It appears that the *choi* shown as the eastern boundary extends from east to west on the northern side of the *Dharmasala* in question. It is, therefore, clear that had it been intended to exclude the *Dharmasala* from the notified property the southern boundary would have been shown as the *choi* and not Kiratpur road. The mention of the Kiratpur road to my mind settles the dispute without any doubt whatever. Mr. Nihal Singh for the appellant on an examination of the plan was constrained to admit that he could not press the matter any further. He then urged that the notification only showed that the proprietary rights had been claimed in the land in *Mauza* Kalyanpur and it was urged that Lachhman Das only claimed occupancy rights in the said land. Having regard to the statement of *Mahant* Lachhman Das of the 21st of October 1927, already referred to, I do not think that the appellant can be allowed to attack the decree which was passed practically at his request. If, as a matter of fact, he has any such claim as he now alleges, doubtless it is one that would have to be adjudicated upon by the revenue authorities, when and if they are properly moved.

On the third point Mr. Nihal Singh is, to my mind, on firmer ground. The proceeding is no doubt under section 28 of the Gurdwaras Act, and is treated as a suit, but I do not think that it was the intention of the Legislature to enable plaintiffs to fix more or less their own value on such proceedings in order to enhance the costs incurred. There is nothing on the record to show that the plaintiff paid any legal

1930

LACHHMAN
DAS

v.

INTIZAMIA COM-
MITTEE OF
GURDWARA OF
CHARAN
KANWAL.

BROADWAY J.

practitioner anything like the sum of Rs. 509, and I, therefore, think that the sum allowed is excessive.

I would, therefore, dismiss this appeal with costs throughout, fixing the pleader's fee at Rs. 250 in all Courts.

TAPP J.

TAPP J.—I agree.

A. N. C.

Appeal dismissed.

APPELLATE CIVIL.

Before Shadi Lal C. J. and Abdul Qadir J.

JUG LAL AND OTHERS (PLAINTIFFS) Appellants

versus

JOT RAM (DEFENDANT) Respondent.

Civil Appeal No. 456 of 1925.

Custom—Adoption—Jats—Karnal district—effects complete severance from natural family—unlike ordinary adoption under Punjab Customary Law—Riwaj-i-am.

Held, that in the Karnal district, unlike the ordinary adoption under Punjab Customary Law, the Hindu conception of adoption prevails, by which the adopted son is completely severed from his natural family and becomes a member of the adoptive family.

Mansa v. Surta (1), and *Giasu v. Har Dial* (2), referred to, also the *Riwaj-i-am*, Karnal district.

Second appeal from the decree of Rai Bahadur Lala Sri Ram Poplai, District Judge, Karnal, dated the 27th November 1924, affirming that of Lala Prabhu Dayal, Senior Subordinate Judge, Karnal, dated the 12th March 1924.

H. C. KUMAR and C. L. GULATI, for Appellants.

MOHAMMAD AMIN KHAN, for Respondent.

SHADI LAL C.J.

SHADI LAL C. J.—The dispute in this case relates to the estate of one Mohan Lal, a *Jat* of the village Zainpur Sadhan, in the Karnal *Tahsil* of the Karnal District; and the question for determination is whether the grandsons of his first cousin Ghisa, who

(1) 99 P. R. 1909.

(2) (1921) 59 I. C. 82.