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be given effect to in spite of objection by the defendants.

KEHAR SINGH

v.

MST. BACHNI.

Issues 2 and 3 were not argued before us and are not supported by any evidence led at the trial.

TEK CHAND J.

In my opinion the learned Subordinate Judge has rightly decreed the suit and I would dismiss the appeal with costs.

AGHA HAIDAR J.

AGHA HAIDER J.— I agree.

A. N. C.

*Appeal dismissed.***APPELLATE CIVIL.***Before Broadway and Johnstone JJ.*

INTIZAMIA COMMITTEE GURDWARA GURU  
GRANTH SAHIB, AT SAMADH BHAI, AND  
OTHERS (PLAINTIFFS) Appellants.

*versus*

PREM DAS AND OTHERS (DEFENDANTS) Respondents.

Civil Appeal No. 2375 of 1928.

*Sikh Gurdwaras (Punjab) Act, VIII of 1925, sections 28, 145—Suit on behalf of Gurdwara—for recovery of notified property—Irregularity in procedure—no meeting of Committee—whether suit invalidated or whether defect curable under section 145.*

Proceedings under section 28 of the Sikh Gurdwaras Act were instituted through two persons who claimed to be members of the Committee of the Gurdwara in question, which, however, admittedly consisted of five members, the other three of whom were made defendants together with the alleged possessor of the premises in suit.

*Held*, that as no meeting of the Committee of the Gurdwara had been lawfully convened, the petition under section 28 had been rightly dismissed.

*Held also*, that as no meeting actually took place, the defect could not be cured by section 145 of the Act.

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Nov. 10.

*First appeal from the decree of K. C. Janmeja, Esquire, Additional District Judge, Ferozepore, dated the 12th June, 1928, dismissing the plaintiff's suit.*

BHAGAT SINGH, for Appellants.

M. L. BATRA, KARTAR SINGH and V. N. SETHI,  
for Respondents.

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INTIZAMIA  
COMMITTEE  
GURDWARA  
GURU GRANTH  
SAHIB  
v.  
PREM DAS.

BROADWAY J.—By notification No. 892, dated the 28th April 1926, the Gurdwara Guru Granth Sahib of Samadh Bhai was declared to be a Sikh Gurdwara. The usual formalities were complied with and on the 27th of August 1927 the Local Government published a notification No. 204-G., declaring that no claim had been made with regard to one room of the premises. This notification entitled the Gurdwara Guru Granth Sahib, acting through its committee, to take action under section 28 of the Sikh Gurdwaras Act, VIII of 1925, and this action had to be taken by the 26th or 27th of November 1927. As a matter of fact proceedings under section 28 of the Sikh Gurdwaras Act, VIII of 1925, were instituted on the 24th of November 1927 on behalf of the Intizamia Committee, Gurdwara Guru Granth Sahib, Samadh Bhai, through two persons, Sundar Singh and Santa Singh, who claimed to be members of that Intizamia Committee. The Intizamia Committee admittedly consists of five persons. Ram Singh was the President, Baghel Singh was the Vice-President and Sundar Singh, Santa Singh and Dewan Singh were the members. Sundar Singh and Santa Singh in taking the proceedings referred to, on the 24th of November 1927, made Ram Singh, Baghel Singh and Dewa Singh defendants along with Prem Das who was alleged to be in actual physical possession of the

BROADWAY J.

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INTIZAMIA  
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premises in suit. The proceedings were contested and it was alleged that the proceedings were bad in that there had been no meeting of the Committee and that the resolution set up by the two petitioners was incorrect and false. The following issues were settled by the Additional District Judge :—

1. Was a meeting called properly and resolutions passed according to law?
2. Have the plaintiffs got a right to sue?
3. Relief.

After recording the evidence produced by the parties the learned Additional District Judge came to the conclusion that no meeting had been lawfully convened and that the proceedings were bad in law. He accordingly dismissed the petition with the result that Santa Singh and Sundar Singh claiming to be entitled to act on behalf of the Intizamia Committee have preferred an appeal to this Court. On their behalf we have heard Mr. Bhagat Singh at length. We have read the evidence led by the parties. Sundar Singh and Santa Singh have gone into the witness box in support of their contentions. Admittedly no meeting was convened, no notice was issued and the proceedings clearly appear to be invalid. On the other hand Baghel Singh, the Vice-President, has definitely stated that the meeting alleged to have been held at his house on the 22nd of November 1927 never was so held, that he was not present at it and had no knowledge of it. He also gave evidence to show that he was, on the 22nd of November 1927, engaged in attending an investigation which was being held by the Police in relation to a cow-killing case. The defendants have also produced one Gurdit Singh who

claims to be the cousin of Santa Singh's wife and he has sworn that on the 22nd of November, 1927 he spent the day with Santa Singh at Kot Kapura, thus contradicting Santa Singh's contention that he had been at Samadh Bhai on the said date.

After considering the statements of these witnesses and taking into consideration the surrounding circumstances of the case, I have no hesitation in agreeing with the view taken by the Additional District Judge that no meeting was ever held.

It was urged that section 145 of the Sikh Gurdwaras Act, VIII of 1925, would cover any defects there might be in the convening of the meeting and in its constitution. As pointed out by the learned Additional District Judge, section 145 would only be applicable when a meeting actually took place. As in my judgment no meeting was ever held, section 145 cannot apply. I would, therefore, dismiss this appeal with costs, directing that the costs would be paid by Sundar Singh and Santa Singh personally.

JOHNSTONE J.—I agree.

*N. F. E.*

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 INTIZAMIA  
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JOHNSTONE J.

*Appeal dismissed.*