

LAHORE HIGH COURT

Gurmukh Singh

Vs

Risaldar Deva Singh

(Coldstream, J.)

12.01.1937

JUDGMENT

Coldstream, J.

1. This is an appeal by Gurmukh Singh, manager of an institution known as the dharamsala (or dera) Bhai Vir Singh in the village of Patto Hira Singh in Moga Tahsil of the Ferozepore. District, against a judgment by the Sikh Gurdwaras Tribunal dismissing a petition presented by him under Section 8, Sikh Gurdwaras Act, praying that the institution in dispute should not be declared to be a Sikh Gurdwara. The evidence in the case has been described in detail in the judgment of Rai Bahadur Dwarka Parsad in which the learned President and the third member of the Tribunal concurred, and I do not propose to describe it again here. It is contended before us by the counsel for the appellant that there are circumstances proved or admitted which are consistent with this institution not having been founded for public worship by Sikhs, but as a private charitable institution, for instance, the fact that there is admittedly another institution in the village which is a Sikh Gurdwara. It is also contended that there is no direct evidence of the purpose for which the institution was founded and in this connection our attention has been drawn to a judgment of this Court in which it has been pointed out that in order to bring an institution within the definition of Clause (3), Sub-section (2) of Section 16, it is necessary to prove not only that the institution has been used for public Sikh worship but also, independently, that it was founded for such worship.

2. The fact that there is another institution in the village which is a Sikh Gurdwara does not help the appellant. The evidence is that the village proprietors are all Sikhs and I can see no reason why they should not have two Sikh Gurdwaras in their village. It is proved that Vir Singh, the founder and first manager of the institution, described his occupation as a granthi in 1852. From this, I think, we may justly infer that at that time the Guru Granth Sahib was being read by him. From time to time the proprietors of the village have made presents of land to the institution. In three cases, the gifts were described in the revenue records as having been made in favour of the Granth Sahib. The first of these gifts, it appears, was made in the time of Vir Singh himself,

although the gift was not recorded by mutation until after his death. As regards the necessity of an independent finding regarding the purpose for which the dharamsala was established, I am unable to see why the Tribunal should not infer what this purpose was from evidence showing the purpose for which it has been used for a long time. Each case has to be decided on the whole evidence put forward by the parties in that particular case. In this case I have no doubt that the finding of the Tribunal is correct and I would therefore dismiss the appeal with costs.

Jai Lal, J.

3. I agree.

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