

(1990) 05 P&H CK 0028

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Revision No. 3664 of 1989

Maulana
Said-ur-Rehman

APPELLANT

Vs

Punjab Wakaf Board
and Another

RESPONDENT

Date of Decision: May 22, 1990

Acts Referred:

- Civil Procedure Code, 1908 (CPC) - Order 39 Rule 1, Order 39 Rule 2, 115

Citation: (1990) 98 PLR 354

Hon'ble Judges: Gokal Chand Mital, J

Bench: Single Bench

Advocate: M.L. Sarin and Jaishree Thakur, for the Appellant; V.K. Jain and Neeraj Jain and S.K. Vij, for the Respondent

Final Decision: Dismissed

Judgement

Gokal Chand Mital, J.

Through S. S. Grewal, Accounts Officer of the Punjab Wakf Board (hereinafter called the Board), the Board got the accounts of five Khandani Wakfs audited of which the petitioner was the Mutwali and from the audit report, the Board found that the petitioner had embezzled the funds of the Wakf of which he was the Mutwali and the report was served on the petitioner for his comments. On receipt of the comments of the petitioner, the Board was not satisfied and issued a show cause notice to him as to why he should not be removed from the office of Mutwali. Before replying to the show cause notice, the petitioner filed a civil suit before the Sub-Judge, Ludhiana and filed an application under Order 39, Rules 1 and 2 of the CPC for restraining the Board from removing him from the office of Mutwali on the basis of the report of S.S. Grewal, Accounts Officer. The trial Court granted an interim injunction not to remove the petitioner; whereas the lower Appellate Court reversed that decision. This is Mutwali's revision from the order of the lower Appellate Court.

2. After hearing the learned counsel for the parties, I am of the view that it is not a fit case for interference in the revisional jurisdiction.
3. The main argument of Shri Sarin is that under the Punjab Wakf Act 1954 (hereinafter called the Act) there has to be a qualified Chartered Accountant and the audit report of such a person is to be considered whereas as S.S. Grewal is not a qualified Chartered Accountant and, therefore no action the basis of the report of S.S. Grewal can be taken against the petitioner. Be that as it may, until some action is taken against the petitioner, which may affect his rights, the matter cannot be gone into in abstract. The petitioner should submit his reply to the show cause notice and raise all possible objections taken in the suit or which are available to him in law. It may be that the Board takes no action against the petitioner by discarding the report of S.S. Grewal thinking that it is no report in the eye of law or that the same is not correct. At this stage, the matter is clearly premature.
4. For the reasons recorded above, the revision is dismissed, leaving the parties to bear their own costs.