
(2010) 12 P&H CK 0506

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Revision No. 4566 of 2009

Jasbir Singh and
Another

APPELLANT

Vs

Punjab Wakf Board

RESPONDENT

Date of Decision: Dec. 2, 2010

Acts Referred:

- Constitution of India, 1950 - Article 227
- Waqf Act, 1995 - Section 83(9)

Citation: (2010) 12 P&H CK 0506

Hon'ble Judges: L.N.Mittal, J

Bench: Single Bench

Final Decision: Allowed

Judgement

L.N.Mittal, J.

Amended memo of parties already filed, pursuant to order of the preceding date, is taken on record, subject to all just exceptions.

2. Respondent No. 1 Punjab Wakf Board filed suit for possession against the Petitioners and proforma Respondents. The said suit has been decreed by learned Additional District Judge, Moga (apparently as Wakf Tribunal) vide impugned judgment and decree dated 01.02.2008. Instant revision petition under Article 227 of the Constitution of India read with Section 83(9) of the Wakf Act, 1995 (in short, the Act) has been preferred by Jasbir Singh and Bohar Singh who were Defendants No. 1 and 2 before the Wakf Tribunal.

3. I have heard learned Counsel for the parties and perused the case file.

4. Learned Counsel for the parties concede that in view of judgment of Hon'ble Supreme Court in the case Ramesh Gobindram (dead) through L Rs v. Sugra Humayun Mirza Wakf 2010(2) RCR 266, Wakf Tribunal constituted under the Act had no jurisdiction to try

the suit for possession of the suit land instituted by Respondent No. 1-Plaintiff Punjab Wakf Board. There is considerable merit in the submission. In view of law laid down by Hon"ble Supreme Court in the case of Ramesh Gobindram (supra), there is no escape from the conclusion that Wakf Tribunal had no jurisdiction to try the suit instituted by Respondent No. 1-Plaintiff.

5. In view of the aforesaid, the instant revision petition is allowed and impugned judgment and decree Annexure P-3 passed by learned Additional District Judge, Moga are set aside and plaint instituted by Respondent No. 1-Plaintiff is ordered to be returned to it for presentation before Court of competent jurisdiction. Respondent No. 1 Plaintiff is directed to appear before learned Additional District Judge/Wakf Tribunal, Moga on 18.01.2011 to receive back the plaint.