

(2013) 09 P&H CK 0214
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 6181 of 2008

Jyoti Parsad and Others

APPELLANT

Vs

The Punjab Wakf Board and Another

RESPONDENT

Date of Decision : 19-09-2013

Acts Referred:

Citation : (2013) 09 P&H CK 0214

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

Bench : Single Bench

Advocate : Vijay S. Kajla, for the Appellant; Sandeep Punchhi, for the Respondent

Final Decision : Allowed

Judgement

L.N. Mittal, J.—Plaintiffs have filed this revision petition u/s 83 of the Wakf Board Act, 1995 read with Article 227 of the Constitution of India challenging judgment and decree dated 23.8.2008 Annexure P/9 passed by learned Wakf Tribunal, Karnal (Additional District Judge) thereby dismissing the suit filed by the petitioners. I have heard counsel for the parties and perused the case file.

2. It is not in dispute that the suit land is Wakf property vesting in respondent no. 1-Punjab Wakf Board. In view thereof, counsel for both the parties have stated that the Wakf Tribunal had no jurisdiction to try the suit, as held by Hon"ble Supreme Court in Ramesh Gobindram (dead) through Lrs. Vs. Sugra Humayun Mirza Wakf, In view of the aforesaid, without going into merits of the case, the instant revision petition is allowed. The impugned judgment and decree Annexure P/9 passed by the Wakf Tribunal are set aside and the plaint is ordered to be returned to the plaintiffs for presentation in court of competent jurisdiction. Record of the Wakf Tribunal be sent back at once. Petitioners are directed to appear before the Wakf Tribunal on 21.10.2013 for receiving back the plaint.