

6
\$~R-35to38

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ RFA(OS) 42/2012

THE DELHI WAKF BOARD

..... Appellant

Represented by : Nemo.

versus

HAMDARD NATIONAL FOUNDATION (I) ...Respondent

Represented by : Mr.J.K.Seth, Senior Advocate

instructed by Ms.Shalini Kapoor, and Mr.Promil Seth,
Advocates.

And

RFA(OS) 43/2012

THE DELHI WAKF BOARD

..... Appellant

Represented by : Nemo.

versus

JAMIA HAMDARD

...Respondent

Represented by : Mr.J.K.Seth, Senior Advocate

instructed by Ms.Shalini Kapoor, and Mr.Promil Seth,
Advocates.

And

RFA(OS) 44/2012

THE DELHI WAKF BOARD

..... Appellant

Represented by : Nemo.

versus

HAMDARD (WAKF) LABORATORIES

...Respondent

Represented by : Mr.J.K.Seth, Senior Advocate

instructed by Ms.Shalini Kapoor, and Mr.Promil Seth,
Advocates.

RFA(OS) 42, 43, 44 and 45 of 2012

page 1 of 3

And

RFA(OS) 45/2012

7

THE DELHI WAKF BOARD

..... Appellant

Represented by : None.

versus

JAMIA HAMDARD

...Respondent

Represented by : Mr.J.K.Seth, Senior Advocate
instructed by Ms.Shalini Kapoor, and Mr.Promil Seth,
Advocates.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

%

01.11.2012

1. The four appeals lay a challenge to a common judgment and decree dated December 23, 2011 decreeing four suits registered as CS(OS) No.116/1972, 117/1972, 118/1972 and 119/1972.
2. Four institutions; namely : Hamdard Dawakhana Wakf; Institute of Islamic Studies (re-named : Jamia Hamdard); Institute of History of Medicine and Medical Research (re-named : Jamia Hamdard); and Hamdard National Foundation, were the plaintiffs and had sought declaration that the notification dated December 12, 1970 published in the Delhi Gazette on December 19, 1970 be declared illegal and void with reference to the entries No.63, 63(a), 63(h) and 64.
3. It is apparent that the challenge was to the properties of the plaintiff(s) being liable to be subject to the authority of the Delhi Wakf Board in the

8

context of the provisions of the Wakf Act 1954.

4. View taken by the learned Single Judge is that the subject properties were not subject to be administered under the Wakf Act 1954.

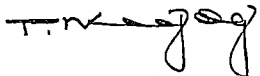
5. The appeals were admitted after notice on September 04, 2012 and it was indicated to learned counsel for the appellants that one set appeal paper book be prepared expeditiously for the reason as on said date this Court was left with only about 10 appeals for the year 2011 and about 20 appeals pertaining to the current year i.e. 2012, to be heard. It was indicated that the appeals are likely to come up for hearing within the next three months.

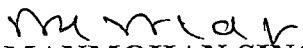
6. The appeals had come up for hearing yesterday but were kept on the Board since none had appeared for the appellant. Learned counsel as above had appeared yesterday for the respondents.

7. The appeals have reached for hearing once again today and have been called out. None appears for the appellant in either appeal. Appeal paper book has not been filed till date.

8. The appeals are accordingly dismissed for non-prosecution.

9. No costs.


PRADEEP NANDRAJOG, J.


MANMOHAN SINGH, J.

NOVEMBER 01, 2012

dk