

Court No. - 4

Case :- S.C.C. REVISION No. - 162 of 2022

Revisionist :- M/S J.S. Educational Foundation

Opposite Party :- Waqf Sheikh Bilayat Ali

Counsel for Revisionist :- S.M. Iqbal Hasan

Counsel for Opposite Party :- Manish Tandon

Hon'ble Prakash Padia,J.

1. The present S.C.C. Revision has been filed with the prayer to set aside the judgment and decree dated 20.08.2022 passed by the Additional District Judge, Court No.15, Kanpur Nagar in Small Cause Case No.68 of 2019 (Waqf Sheikh Bilayat Ali vs. M/s J.S. Education Foundation).

2. By the aforesaid order, the application filed by the revisionist under Order 7 Rule 11 read with Section 151 of C.P.C. was rejected.

3. It is admitted between the parties that in view of the law laid down by the Hon'ble Apex Court in the case of **Rashid Wali Beg vs. Farid Pindari & others** in **Civil Appeal No. 6336 of 2021** reported in **AIR Online 2021 SC 966**, the remedy lies to the petitioner to approach the Waqf Tribunal Lucknow. The paragraph-57 of the aforesaid judgment reads as follows:-

"57. In view of the above, the appeal is allowed and the judgment and decree of the High Court are set aside. The trial court shall return the plaint to the plaintiff, for presentation to the jurisdictional Waqf Tribunal. Since pleadings are complete, the Waqf Tribunal shall proceed from the stage of framing of issues and dispose of the suit within a period of 6 months. There will no order as to costs."

4. In this view of the matter and with the consent of the counsel for the parties, the judgment and decree dated 20.08.2022 passed by the Additional District Judge, Court No.15, Kanpur Nagar in Small Cause Case No. 68 of 2019 is hereby quashed. The Trial Court is directed to return the record of entire suit in the closed envelope to the Waqf Tribunal, Lucknow within a period of two weeks from the date of presentation of certified copy of this order.

5. Accordingly, the S.C.C. Revision is **allowed**.

6. District Judge, Kanpur Nagar is directed to ensure the compliance of this order. Copy of this order be communicated by the Registrar (Compliance) to the District Judge, Kanpur Nagar by Monday next.

Order Date :- 7.12.2023

Swati