

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 12295 of 2023

Petitioner :- Navneet Kumar Singh

Respondent :- Smt Huma Chaudhari And Another

Counsel for Petitioner :- Sharad Chand Rai

Counsel for Respondent :- Punit Kumar Gupta

Hon'ble Prakash Padia,J.

Heard learned counsel for the petitioner and perused the record.

Present writ petition has been filed inter-alia with the following prayers:-

(i) Direct the respondents to maintain status quo till the disposal of interim injunction application and not interfere peaceful possession of petitioner filed by the petitioner in Civil Suit No 1674 of 2023 (Navneet Kumar Singh Vs. Smt. Huma Chaudhari and another) pending in the court of Civil Judge (Junior Division), Hawali, District Aligarh.

(ii) Direct the learned court below to decide the 7C application filed by the petitioner in Civil Suit No. 1674 of 2023 (Navneet Kumar Singh Vs. Smt. Huma Chaudhari and another) pending in the court of Civil Judge (Junior Division), Hawali, District Aligarh, within stipulated period as determine by this Hon'ble Court.

Preliminary objection has been raised by the learned counsel for the respondent no.2 that suit filed by the petitioner is not maintainable since the same is barred by provision of Section 85 of Waqf Act 1995. In response to the same, it is argued that till date no such application has been filed by the respondent no.2 in the pending proceedings.

Learned counsel for the respondent no.2 is directed to raise objection regarding maintainability of the suit before the court below, if so advised. So far as prayer no.2 is concerned, the court below is directed to decide the same expeditiously

In view of the fact and circumstances of the case and also in the interest of justice, the writ petition is ***disposed of*** with the direction to respondents to file an objection regarding maintainability of suit, if so, advised and also in the aforesaid proceeding within two weeks from today before the court below, who shall decide the same in accordance with law expeditiously, preferably within a period of three weeks thereafter.

Order Date :- 4.12.2023/T.S.

