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

CNR No. DLHC010386282026

+ **C.R.P. 242/2026&CM APPL. 55633/2026CM APPL. 55634/2026**

SYED AZIM Petitioner

Through: **Mr. Ankit Ansal, Advocate.**

versus

SAYED SARDAR ALI Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **19.08.2026**

1. This petition has been filed for setting aside order dated 10th August 2026 passed by the ARC, Central, Tis Hazari Courts in RC/ARC No. 184/2021, dismissing the application filed by the revisionist under Order VII Rule 11 of the Code of Civil Procedure, 1908 (**'CPC'**).
2. The respondent filed a petition under Section 14(1)(e) of the Delhi Rent Control Act, 1958 against the revisionist, in which an application for leave to defend was filed and allowed, and the revisionist was directed to file the written statement.
3. Evidence was led on behalf of the petitioner over the last few days. Thereafter, an application under Order VII Rule 11 of the CPC was filed, contending that the Civil Court had no jurisdiction to continue hearing the petition in view of the bar under *Section 85 of the Waqf Act, 1995*.
4. By the impugned order, the Trial Court examined the law governing



the circumstances and the evolution of judicial pronouncements from ***Ramesh Gobindram v. Sugra Humayun Mirza Wakf*** (2010) 8 SCC 726 to ***Habib Alladin v. Mohammed Ahmed*** 2026 INSC 90 and arrived at a conclusion as to whether a property is a Waqf property is required to be specifically decided by the Tribunal.

5. It was held in ***Habib Alladin*** (*supra*) that this question is to be decided only in relation to properties which are recognised as Waqf properties under the Waqf Act, included in the list of *auqaf* under Section 5; or registered in the register of *auqaf* in terms of Section 37 of the Waqf Act.

6. The application filed under Order 7 Rule 11 of CPC was dismissed on the ground that the revisionist had not submitted any documents to show that the premises were registered in the register of *Aukaf* under *Section 5 or Section 37 of the Waqf Act*.

7. Counsel for petitioner submits that the petitioner had already filed the list of properties, which is annexed as *Annexure 4* to this revision petition, along with the certificate issued by the Delhi Waqf Board. However, these documents have not been taken into consideration.

8. Counsel for respondent is also present and states no Waqf deed which has been placed on record.

9. Considering that the issue revolves around a disputed question of fact, the matter is remanded to the Trial Court to consider these documents asserted and filed by the petitioner and whether on that basis the case would fall within the ambit of the decision in ***Habib Alladin*** (*supra*) and, accordingly, decide whether the Court would have jurisdiction to continue with the proceedings.

10. Accordingly, list before the Trial Court on 02nd September 2026, the



date already fixed.

11. In the event the Trial Court considers that this factual aspect requires any further documentation, it shall direct the parties to requisition and place the same on record.

12. Petition is disposed of accordingly. Pending applications are rendered infructuous.

13. Order be uploaded on the website of this Court.

ANISH DAYAL, J

AUGUST 19, 2026/RK/bp