

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Revision No.1814 of 2008 (O&M)

Date of decision: 29.07.2015

Jai Ram

... Petitioner

versus

Palle and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Akshay Kumar Goel, Advocate,
for the petitioner.

Mr. Parveen Hans, Advocate,
for respondents 1 and 2.

Mr. Sandeep Punchhi, Advocate,
for respondent No.3.

K.Kannan, J. (Oral)

1. The judgment of the Tribunal would require to be set aside in the light of the law laid down by the Supreme Court in **Ramesh Gobindram (dead) through LRs Versus Sugra Humayun Mirza Wakf-AIR 2010 SC 2897** that has explained Section 6 of the Wakf Act and has held that the jurisdiction of a Tribunal will be invoked only in cases where there is an issue to be decided of whether the property in suit required an adjudication of whether it belongs to wakf or not. If no such prayer is sought and the suit is filed for recovery of possession or for injunction admitting the property to wakf, then only a normal civil court will exercise the

jurisdiction. It appears that the suit was filed in a civil court and later transferred to the Tribunal. The transfer has come about from the time when there was a lack of clarity on the subject. Now after the decision of the Tribunal, the issue has obtained certitude through the decision in **Ramesh Gobindram** (supra) and that is the law prevailing now and required to be applied in court by Tribunal.

2. The decision is set aside on the ground that the Tribunal was not competent to dispose of the case. The matter still go to the court which is the jurisdictional court which entertained the suit initially and it will dispose of the case in accordance with law. The parties may restrict evidence to what is strictly in contest and admit to facts which they have already revealed in the action brought before the Wakf Tribunal in its assumed jurisdiction. This could help resolve the controversy before the civil court in an expeditious manner.

3. The impugned order is set aside and the matter is remitted to the civil court which will entertain the case, re-number the same and dispose it off in accordance with law.

4. Civil revision stands disposed of on the above terms.

5. Parties shall appear before the civil court on 15.09.2015.

(K.KANNAN)
JUDGE

29.07.2015
sanjeev