

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

VARINDER SINGH
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Punjab & Haryana High Court at
Chandigarh

Civil Revision No. 5047 of 2008 (O&M)

Date of decision : 26.5.2015

Punjab Wakf Board and others

... Petitioners

VS

Gurcharan Singh

... Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Jai Bhagwan, Advocate, for the petitioners.

Mr. O. P. Kamboj, Advocate, for the respondent.

Rajesh Bindal, J.

Challenge in the present petition is to the judgment of the Wakf Tribunal, Ferozepur, vide which the suit for recovery of ₹ 3,21,000/- filed by the respondent, was decreed.

Learned counsel for the petitioners at the very outset submitted that the Wakf Tribunal had no jurisdiction to go into the claim made in the suit filed by the respondent for recovery of amount from the petitioners. In support of his plea reliance was placed upon judgments of Hon'ble the Supreme Court in Ramesh Gobindram (dead) through LRs. vs Sugra Humayun Mirza Wakf, 2010(8) SCC 726 and Faseela M. vs Munnerul Islam Madrasa Committee and another, 2014 (2) RCR (Civil) 890.

In the case in hand, the suit was filed merely for recovery of the amount which could be gone into by the civil court.

Learned counsel for the respondent could not dispute the aforesaid factual matrix.

After hearing learned counsel for the parties and considering the fact that the Wakf Tribunal did not have jurisdiction to entertain the suit for recovery, the present petition is allowed. The order passed by the Wakf Tribunal is set aside. The suit filed by the respondent is directed to be returned back to him with liberty to present the same in the court of competent jurisdiction.

26.5.2015

VS

(Rajesh Bindal)

Judge