

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

Civil Revision No.58 of 2015

Date of Decision: 09.01.2015

Shri Gurudwara Dewan Ashtan, Central Town, Jalandhar

..... Petitioner

Vs.

Punjab Wakf Board and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Harsh Aggarwal, Advocate for the petitioner.

JASWANT SINGH, J. (ORAL)

The plaintiff is in revision assailing the order dated 17.10.2014 (P-10), passed by the learned Tribunal / Addl. District Judge, Jalandhar, whereby the temporary application under Order 39 Rules 1 & 2, CPC has been dismissed.

Having heard learned Counsel for the petitioner at length, this Court finds no ground to interfere with the impugned order (P-10).

It is apparent that the petitioner has filed a suit for declaration that it is an exclusive owner in possession of the property since last 50 years fully detailed in the plaint. It also cannot be disputed that he has placed no document of title on record. It is also not in dispute that on the basis of a Notification dated 06.02.1971 under the Punjab Wakf Act, the Board has been notified as the owner and a mutation also was sanctioned as far as back on 12.12.1983. It is also not disputed that the Punjab Wakf Board had

earlier filed proceedings for eviction against one M/s Ram Murti from the suit property, which have become final up to the Hon'ble Supreme Court in favour of the Punjab Wakf Board. It is also not in dispute that in the execution filed by the decree holder/Punjab Wakf Board for seeking the possession, the present petitioner had filed objections on the same lines as sought in the present suit/injunction application. The same were dismissed, vide order dated 10.07.2014 (**P-7**), since the petitioner had shown no material to show its ownership/title over the suit property. It also cannot be disputed that even the proceedings initiated by the petitioner for correction of the revenue records were dismissed by the Collector and the revision petitions are pending, which were not disclosed in the suit, leading to the trial Court holding that the petitioner/plaintiff had concealed material facts, therefore, not entitled to discretionary relief.

In the light of the facts taken cumulatively, this Court finds no perversity in the impugned order. Hence, the present petition stands dismissed.

January 09, 2015
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(JASWANT SINGH)
JUDGE