

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA-415-2014 (O&M)
Date of Decision: July 9, 2015

Labh Singh

...Petitioner

Versus

Punjab Wakf Board, Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Parveen K. Kataria, Advocate,
for the petitioner.

Mr. G.N. Malik, Advocate,
for respondent No. 1.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J (Oral)

Present petition, under Section 24 of the Code of Civil Procedure, 1908, has been filed with a prayer to transfer the case, titled as “**Punjab Wakf Board v. Teja Singh and others**”, bearing Civil Suit No. CS/0900153/2011, from the Court of learned Additional Civil Judge (Senior Division) Faridkot, to a Court of competent jurisdiction at Moga.

Learned counsel for the petitioner has pointed out that initially the case in question was instituted in April, 2007, by the respondents before the Wakf Tribunal, Faridkot, constituted under

the Wakf Act, 1995. However, pursuant to the judgment of Hon'ble the Supreme Court in the matter of **Ramesh Gobindram (dead) through LRs v. Sugra Humayun Mirza Wakf**, 2012 (2) R.C.R. 266, the Wakf Tribunal, Faridkot, ceased to have jurisdiction to try the said case and returned the plaint for presentation before the competent Civil Court, vide order dated 21.12.2010 (Annexure P-2). Thereafter the case was presented/re-instituted in the Civil Court at Faridkot, having the jurisdiction to try the said case. He further contends that the parties to the *lis* as well as the property in dispute belongs to District Moga and now there is a full-fledged Sessions Division at Moga, therefore, the above said case be transferred to Sessions Division, Moga, from Faridkot.

Learned counsel for respondent No. 1-Punjab Wakf Board, Chandigarh, has no objection to the submissions made by learned counsel for the petitioner.

After hearing learned counsel for the parties, this Court is of the considered view that the case titled as "**Punjab Wakf Board v. Teja Singh and others**", bearing Civil Suit No. CS/0900153/2011, pending adjudication before learned Additional Civil Judge (Senior Division) Faridkot, be transferred to the Board of learned Civil Judge (Senior Division) Moga, who shall either retain the case on his/her own Board or assign the same to any

other Court of competent jurisdiction within Sessions Division, Moga.

Learned Additional Civil Judge (Senior Division) Faridkot, shall remit the complete record of the case titled as **“Punjab Wakf Board v. Teja Singh and others”**, bearing Civil Suit No. CS/0900153/2011, to the office of learned Civil Judge (Senior Division) Moga, immediately.

The parties to the *lis* are directed to appear before learned Civil Judge (Senior Division) Moga, on 11.8.2015, at 10:00 a.m., for further proceedings.

The present petition stands disposed of.

July 9, 2015
Pkapoor

(NARESH KUMAR SANGHI)
JUDGE