

232.

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

Civil Revision No.1823 of 2015

Date of decision:18.05.2016

Jagmal Singh

... Petitioner

versus

Haryana Wakf Board and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Himanshu Sharma, Advocate,
for the petitioner.

Mr. Ajay Jain, Advocate,
for the respondents.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. The suit for recovery of property instituted by Wakf Board was on a plea that the defendant had taken the property on rent in the early 1980s at a paltry sum of ₹400/- per annum and the plaintiff's grievance is that the defendant has not paid any amount for the last several years and his possession has therefore become unauthorized. There has been no lease created in favour of the defendant to legitimize his continuance. After the commencement of trial, the defendant made himself scarce and an ex parte order was

passed. The petition setting aside the ex parte order was dismissed and the appeal was also dismissed. The admitted position is that the defendant has not paid the rent and the suit instituted by the Wakf Board which is itself a charitable institution has gained nothing. Considering the extent of property held by the tenant and the income which he has been securing to himself, it will be only appropriate and just that the defendant pays/deposits ₹1 lakh within a period of 6 weeks from the date of receipt of copy of this order to the credit of the case. He shall also during continuance of suit deposit ₹15,000/- every year if the suit were to prolong beyond 2016. The future arrears payment shall be made before Baishakhi of the succeeding year 2017. If the amount of ₹1 lakh is deposited, the Wakf Board is entitled to receive the same without any security. If the amount is not deposited as directed, the order already passed will stand confirmed. The manner of how this amount shall be adjusted will abide by the final directions in suit.

2. Parties shall appear before the court at Ambala to report compliance of the directions and for consideration of all further proceedings in suit, on 07.07.2016.

3. The impugned order is set aside and the civil revision is allowed on the above terms.

(K.KANNAN)
JUDGE

18.05.2016
sanjeev