

458.

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

Civil Revision No.2166 of 2005 (O&M)

Date of decision:18.01.2016

Punjab Wakf Board, Amritsar

... Petitioner

versus

Santosh Kumari (deceased) through LRs

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

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

None for the respondent.

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 revision is against the decree granted by the Wakf Tribunal with reference to property in Khana Shumari No.139/8(old) responding to property in Shumari No.92/8. The averment in the plaint is that excess of property adjoining the 139/8 is also in his possession and has constructed bathroom and latrine which was later demolished and constructed as kitchen. The Wakf Board has claimed right against the property in Shumari No.137/8 and it has obtained an order of ejectment against Gian Chand-the husband of the present plaintiff. Admittedly, the Wakf Board does not make any

claim to property in 139/8. The Tribunal has, therefore, granted the decree.

2. Under normal circumstances, there would be no difficulty about upholding a claim of person in relation to the property over which admittedly the defendant has no claim to title. However, since this case features an assertion of a claim to an adjoining property over a place where the plaintiff has alleged that there existed a bathroom and latrine and now there is a kitchen, the Wakf Board is aggrieved that this property which is in Shumari No.137/8 could still be claimed by the plaintiff.

3. I clarify that the decree will operate only with reference to Shumari No.139/8 and new Khana Shumari No.92/8, MCA at Bhagtanwala, Amritsar out of the boundaries referred to in the plaint and any other property which the Wakf Board has claimed as situate in 137/8 is removed out of the plaintiff's reckoning so that the Wakf Board is at liberty to put any order or decree in execution in relation to Shumari No.137/8 and if it is done, the plaintiff cannot cause any objection by relying on the judgment of the Tribunal. The Tribunal's judgment is clarified to the above extent.

4. The revision petition is disposed of with the above observations.

(K.KANNAN)
JUDGE

18.01.2016
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