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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-223-2014 [O&M]

Date of Decision : February 9th, 2016

Jasbir Kaur Bahal and others

.... Petitioners

Versus

Haryana Wakf Board, Jind

.... Respondent

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

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

Present Mr. Ashwani Bakshi, Advocate,
for the petitioners.

Mr.Sandeep Punchhi, Advocate,
for the respondent.

SHEKHER DHAWAN, J.

Present revision petition under Article 227 of the Constitution of India for setting aside judgment and decree dated 8.11.2012 [Annexure P/3] passed by Wakf Tribunal, Jind, whereby suit for possession by way of ejectment of defendants [petitioners herein] from the suit land was decreed and the defendants were held liable to be ejected from the suit land.

2. Relevant facts of the case; that Haryana Wakf Board, Jind had filed a suit for possession against Smt. Jasbir Kaur Bahl and three others taking the plea that they are in illegal and unauthorized possession of the suit land and the said plea was denied by the defendants. However, the Wakf Tribunal, Jind decreed the suit vide judgment and decree dated

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8.11.2012.

3. Learned counsel for the petitioners mainly submitted that the jurisdiction of the Wakf Tribunal will be invoked only if there is any issue to be decided whether the property in question belongs to Wakf or not. If there is no such prayer, then a civil suit shall lie.

4. There is force in the contention of learned counsel for the petitioners. Hon`ble Supreme Court in **Ramesh Gobindram [dead] through Lrs Vs. Sugra Humayun Mirza Wakf 2010(2) RCR [Rent] 266** has held that a Wakf Tribunal cannot adjudicate upon the dispute regarding eviction of tenant and only Civil Court has the jurisdiction to entertain and adjudicate upon disputes regarding eviction of tenant from Wakf property. Similar view was taken by a Co-ordinate Bench of this Court in **Jai Ram Vs. Palle and others**, CR No. 1814 of 2008, decided on 29.7.2015.

5. In view of the law laid down by Hon`ble Apex Court in **Ramesh Gobindram's case [supra]**, the present petition stands allowed and the impugned judgment and decree passed by Wakf Tribunal are set-aside. Haryana Wakf Board, Jind may avail its remedy as per law, if so advised.

(SHEKHER DHAWAN)
JUDGE

February 9th, 2016
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