

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.5475 of 2015
Date of Decision: April 11, 2016

Haryana Waqf Board, through its Estate Officer, Kaithal

...Petitioner

Versus

Ganga Dass

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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?

Present: Mr.Shoaib Khan, Advocate,
for the petitioner.

Mr.Sunil Polist, Advocate,
for the respondent.

AMIT RAWAL, J. (Oral)

Petitioner-Wakf Board is aggrieved of the order, whereby the counsel appearing on behalf of the Wakf Board in a suit for possession filed before the Wakf Tribunal, sought withdrawal of the suit with liberty to file the same before the trial Court.

Mr.Shoaib Khan, learned counsel appearing on behalf of the petitioner-Wakf Board submits that the counsel was not apprised to make such statement. Even otherwise, question of title was involved, which is within the domain of the Tribunal to decide the same as the Civil Court would not have jurisdiction.

Mr.Sunil Polist, learned counsel appearing on behalf of the respondent-defendant submits that on perusal of the impugned order, it is discernible that the order was passed on the application moved by the

counsel and the consensual orders are not appealable, much less revisable and, therefore, the revision petition is not maintainable.

I have heard the learned counsel for the parties and appraised the paper book and of the view that in case the counsel had made a statement without seeking any authority/confirmation from his client, certainly cause of action would arise to the plaintiff for recalling of the order, but not in the manner and mode which has been adopted by straightway filing the present revision. In such matters, the role of the counsel has been defined by the Hon'ble Supreme Court in **Himalayan Cooperative Group Housing Society Versus Balwan Singh, 2015(7) SCC 373.**

Accordingly, the present petition is disposed of with a direction to the petitioner-plaintiff to move an appropriate application for recalling of the order dated 2.3.2015 in accordance with law, whereby, on the statement of the counsel, plaint has been returned as per the provisions of Order 7 Rule 10(2) CPC. In case such an application is filed, the trial Court shall, on receipt of the reply, from the opposite side, decide the same in accordance with law.

April 11, 2016
ramesh

(AMIT RAWAL)
JUDGE