

RSA No.2598 of 2016 (O&M)

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

RSA No.2598 of 2016 (O&M)

Date of Decision: May 23, 2016

Smt. Daya Wati

...Appellant

Versus

Punjab Wakf Board, Ambala Cantt. & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Adarsh Jain, Advocate
for the appellant.

AUGUSTINE GEORGE MASIH, J. (Oral):

**CM No.6901-C of 2016 in/and
RSA No.2598 of 2016**

Prayer in CM No.6901-C of 2016 is for condonation of delay of 296 days in filing the appeal.

The plea raised for condonation of delay is that the applicant-appellant was under a *bona fide* belief that his appeal has been accepted and the entire suit of the respondent-plaintiff stands dismissed and therefore, no further proceeding would be necessary. Accordingly, under this *bona fide* error on the part of the applicant-appellant, the appeal was not filed, however, it was at a later stage, he realized that the eviction order still persisted as far as the appellant is concerned and therefore, has preferred the appeal which has resulted in the delay of 296 days in filing the same.

The explanation as submitted by the applicant-appellant

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cannot be accepted, however, on insistence of the counsel for the applicant-appellant, the impugned judgment has also been gone through by this Court but the same also does not make out any ground for interference by this Court as the same is fully justified and is in accordance with law. That apart, the issue involved in the present case is fully covered against the appellant by the judgment of the Supreme Court in Ramesh Gobindram (dead) through LRs Vs. Sugra Humayun Mirza Wakf, 2010, AIR (SC) 2897, where the Supreme Court has held that the Civil Court has the jurisdiction to entertain and adjudicate upon the dispute regarding eviction of a tenant from the Wakf property.

In view of the above, finding no merit either in the application for condonation of delay or the appeal, the same stand dismissed.

All the other pending misc. applications are also stand dismissed.

May 23, 2016

Harish

**(AUGUSTINE GEORGE MASIH)
JUDGE**