

CWP-14462-2015

Date of Decision : 02.05.2017

Punjab Wakf Board Through its Estate Officer

.....Petitioner

versus

State of Punjab and another

....Respondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Ghulam Nabi Malik, Advocate
for the petitioner.

Mr. Inder Pal Goyat, Addl.A.G., Punjab.

M.M.S. BEDI, JUDGE (ORAL)

Counter reply by way of affidavit of respondent No. 2 filed on behalf of respondents No. 1 and 2 is taken on record. Copy given.

The petitioner had filed a suit against the State of Punjab and Government Senior Secondary School for Boys Bahma Patti Samana to recover possession of 15 kanals 4 marlas of land mentioned in Annexure P-2. The said suit was dismissed by the Tribunal constituted under the Wakf Act. The revision petition filed by the petitioner against the order of dismissal of the suit was admitted as Civil Revision No. 4980 of 2011, by this Court, on 23.11.2011 vide order Annexure P-3.

The Civil Revision, somehow, found its way to Daily Lok Adalat of Punjab and Haryana High Court wherein in the absence of the petitioner, following order was passed on 16.01.2015 :-

“Present: None for the petitioner

Ms.S.Jaswal, DAG, Punjab for respondents.

This revision petition is directed against the order of Additional District Judge, Patiala exercising the power of Tribunal Wakf Act dated 04.03.2011, whereby the suit of the plaintiff was dismissed. This revision petition was admitted on 23.11.2011.

As per information downloaded from the computer, it has come to light that the suit has been finally disposed of vide decision dated 24.12.2012 by the Civil Judge (Junior Division-2), Patiala.

This being the position, the revision petition has become infructuous and is, accordingly, dismissed.

Counsel for the petitioner be informed of the same by sending a copy of this order at his residential address.

January 16, 2015

*Sd/-(G.C. GARG)
PRESIDENT*

*Sd/-N.K. KAPOOR
MEMBER”*

A perusal of the above said order indicates that order has been passed by the Daily Lok Adalat merely on the basis of some information downloaded and under the impression that some suit had been finally decided by the Civil Judge (Junior Division), Patiala on

24.12.2012 as such, the revision petition was disposed of as infructuous.

I have asked counsel for the petitioner as well as counsel for the respondents to make available the order of the Civil Judge (Junior Division), Patiala on the basis of which the petition had been decided. Both the counsel have expressed their inability to produce any information pertaining to the said suit. The order passed by the learned Daily Lok Adalat of this Court, in absence of the petitioner, on the basis of some information which does not even exist, as per the counsel for both the parties, would warrant interference of this Court on judicial side. The order dated 16.01.2015, passed by the Daily Lok Adalat dismissing the revision petition as infructuous on the basis of a non-existing document, is held to be not sustainable. The parties have got a legal right to have fair adjudication of a lis between them on merits. This writ petition is allowed. Order Annexure P-1 dated 16.01.2015 is hereby set aside.

The Civil Revision No. 4980 of 2011 stands restored to its original number, for adjudication, in accordance with law. Since the said revision petition is pending since 2011, the Registry is directed to list the same for final hearing in the month of August, 2017.

It is made clear that in the present case, this Court has opted to exercise the writ jurisdiction to set aside an order of Daily Lok Adalat holding a civil revision pending in this Court as infructuous depriving the parties to have adjudication of the matter on merits which is one of

the constitutional rights of the parties.

Disposed of with above observations.

(M.M.S. BEDI)
JUDGE

02.05.2017
Neha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No