

\$~14

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

DECIDED ON : 7th DECEMBER, 2017

+ **RSA 344/2016 & CM 42788/16**
SURESH CHANDER Appellant
Through : Mr.S.B.S.Vashistha, Advocate.

versus

SABIR ALI & ANR Respondents
Through : Mr.Darshan Singh, Advocate for R1.

CORAM:
HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (Oral)

1. Present Regular Second Appeal has been preferred by the appellant to challenge the legality and correctness of a judgment dated 02.07.2016 of learned Addl. District Judge in RCA No.32/2015 whereby findings recorded by the learned Civil Judge in CS No.870/2013 by an order dated 13.07.2015 were affirmed.

2. During the course of arguments, it revealed that the suit was filed by the appellant to restrain the respondents from dispossessing him from the suit premises otherwise than in due course of law. The suit was dismissed primarily on the ground that the Court did not have jurisdiction to entertain the suit as the property belonged to Wakf Board and under Section 85 of the Wakf Act, 1995 jurisdiction of Civil Court was barred.

3. It is informed that the relief against dispossession has been claimed only against the respondent Sabir Ali who is the landlord of the property owned by Delhi Wakf Board. Delhi Wakf Board is not a party to the suit. No relief has been claimed by the appellant against Delhi Wakf Board.

4. It is informed by the learned counsel for the respondent No.1 that the respondent No.1 Sabir Ali has no intention whatsoever to dispossess the appellant from the suit premises forcibly without due process of law.

5. In view of the above statement given by the counsel for the respondent No.1, the appellant does not press the appeal.

6. Accordingly, the appeal is disposed of with the directions that the respondent No.1 shall not dispossess the appellant from the suit premises forcibly without due process of law. Pending application also stands disposed of.

7. Trial Court record be sent back forthwith with the copy of the order.

भारतमेव जयते

(S.P.GARG)
JUDGE

DECEMBER 07, 2017 / tr