

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

RSA No.3575 of 2016 (O&M)

Date of decision:04.12.2018

Punjab Wakf Board

... Appellants

Vs.

Naresh Khosla and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Ghulam Nabi Malik, Advocate
for the appellants.

AMIT RAWAL J. (Oral)

C.M.No.9345-C of 2016

For the reasons stated in the application which is duly supported by an affidavit, delay of 28 days in filing the appeal is condoned.

C.M. stands allowed.

RSA No.3575 of 2016 (O&M)

The Wakf Board - defendants are aggrieved of the judgment and decree rendered by the Lower Appellate Court granting the injunction in favour of the respondent-plaintiffs which was rejected by the trial Court.

The respondent-plaintiffs claimed the injunction of forcible interference and dispossession at the hands of the Wakf Board being lessee. The defendants opposed the suit by denying the plaintiffs to be lessees but admitted Sumitra Devi@ Savitri Devi, mother of the plaintiffs, to be lessee.

Mr. Ghulam Nabi Malik, learned counsel appearing on behalf of the appellant-defendants submitted that no doubt, the Lower Appellate Court had given the liberty to the appellant-defendants to seek ejectment in accordance with law but the reference of the applicability of Local Act is neither here nor there as parties to lis, if at all treated to be as lessees is governed by the terms and conditions of Punjab Wakf Act, 1995

I have heard the learned counsel for the appellant-defendants, appraised the judgments and decrees of both the Courts below and of the view that injunction granted is most innocuous but the reference of the applicability of Local Act was only in the context of the judgment and cannot be construed as an expression of opinion regarding its applicability in the contemplated proceedings as they are as obiter.

With the aforementioned observations, the judgment and decree of the Lower Appellate Court is affirmed. The appeal is dismissed.

(AMIT RAWAL)
JUDGE

December 04, 2018
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No