

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.5329 of 2017 (O&M)

Date of decision: 02.08.2018

Punjab Waqf Board

..... Appellant

Versus

Sharomani Gurudwara Prabandhak Committee
and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. G.N. Malik, Advocate
for the appellant.

ANIL KSHETARPAL, J. (ORAL)

CM-14237-C-2017

Application is allowed and the delay in filing the appeal is
condoned.

Main Case

Plaintiff-appellant is in the regular second appeal against the
concurrent finding of fact arrived at by the Courts below.

Primarily, the Courts have found that the Civil Court does not
have jurisdiction and it is only Wakf Tribunal constituted under the Wakf
Act, 1995 which would have jurisdiction to adjudicate upon a matter that
whether a particular property is wakf or not. This Court in CR No.6269 of
2016 has examined this issue in detail and decided that Wakf Tribunal
would have exclusive jurisdiction.

However, learned counsel for the appellant submits that in
spite of the fact that the Civil Courts have returned a finding that Civil

Court does not have jurisdiction, still some finding on merit has given. In my considered view, such findings are without jurisdiction, because once the Courts have found that the dispute involved in the present litigation cannot be decided due to lack of jurisdiction, then any finding arrived at by the Court becomes without jurisdiction.

With these observations, the appeal is dismissed.

02.08.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No