

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

RSA-877-2017 (O&M)

Date of decision: 29.01.2018

BAKHASHISH SINGH & ORS

..... Appellants

Versus

PUNJAB WAKF BOARD

.....Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. S K Arora, Advocate
for the appellants

-.-

Rekha Mittal, J.

The present appeal directs challenge against consistent findings recorded by the Courts below whereby suit filed by the Punjab Wakf Board through its Estate Officer (hereinafter to be referred as 'the Board') for possession being owner of land measuring 57 kanals 15 marlas, detailed in the head note of plaint was decreed by the Civil Judge (Junior Division), Zira and the judgment and decree passed by the trial Court were affirmed in appeal by the Additional District Judge, Ferozpur.

The sole submission made by counsel for the appellants is that as the Board filed the suit for possession and not a suit for eviction and possession against the tenants, judgment of Hon'ble the Supreme Court ***Ramesh Gobindram (dead) through LRs v Sugra Humayun Mirza Wakf, 2014(1) R.C.R. (Civil) 633*** cannot be attracted in the given circumstances, to bestow jurisdiction upon the civil Court to entertain and try the present

suit.

I have heard counsel for the appellants and perused the paper book particularly the judgments passed by the Courts below but find that the appeal is devoid of merit and deserves outright rejection.

Be that as it may, it is undisputed position of the case that there is no dispute between the parties, whether the suit property is the Wakf property or otherwise. On the contrary, the appellants/defendants claimed themselves to have become owners of the suit property by way of adverse possession meaning thereby that they have admitted the Board to be owner of the suit land. Under the circumstances, contention raised by counsel for the appellants that civil Court is debarred from entertaining and trying the present suit is misconceived and untenable.

Counsel for the appellants has failed to point out the relevant provision of the Wakf Act, 1995 which can be invoked to exclude jurisdiction of the civil Court.

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. No orders as to costs.

(Rekha Mittal)
Judge

29.01.2018
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No