

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Through video conferencing)

CR-697-2021 (O&M)

Date of Decision:- 19.03.2021

BALJIT KAUR

... Petitioner

Versus

*THE MUSLIM WELFARE COMMITTEE TAKIA KUMBRA (ROPAR) AND
ORS*

... Respondents

CORAM: *HON'BLE MR. JUSTICE SUDHIR MITTAL*

Present: Mr. S.M. Tripathi, Advocate,
for the petitioner.

SUDHIR MITTAL, J. (Oral)

A suit for declaration and injunction has been filed by the Muslim Welfare Committee Takia Kumbra (ROPAR) and others before the Wakf Tribunal Rupnagar wherein the petitioner is also a defendant. Her application under Order 7 Rule 11 CPC for rejection of the plaint has been dismissed vide order dated 5.12.2019. The said order is under challenge in the revision petition.

Learned counsel for the petitioner has submitted that the issue raised in the plaint cannot be decided by the Wakf Tribunal as provisions of the Wakf Act, 1995 bars the same. Reliance is placed upon Ramesh Gobindram Vs. Sugra Humayun Mirza Wakf AIR 2010 SC 2897.

I have heard learned counsel for the petitioner at length. However, he has not been able to draw my attention to any provision of the Wakf Act, 1995 which bars the instant suit. Reliance upon the judgment in Ramesh Gobindram (supra) is misplaced as the said judgment is on the issue of jurisdiction of the Civil Court.

The Court below has passed a well reasoned and speaking order and thus I do not find any ground to interfere in the same.

Accordingly, the revision petition has no merit and is dismissed.

19.03.2021
Neelam

(SUDHIR MITTAL)
JUDGE

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