

04.07.2022
(D/L-10)
Ct.-18
(Susanta)

C.O. 1921 of 2019
With
I.A. No. CAN 1 of 2021

Prashant Rathod alias Rathore & Ors.
-Vs-
Prince Gholam Mohammad Wakf Estate & Ors.

Mr. Suddhastva Banerjee,
Mr. Sounak Bhattacharya,
Mr. M.M. Chandra,
.... For the Petitioners.

Mr. Ganesh Shrivastava,
Mr. Sukanta Das,
Ms. Lopamudra Moitra,
.... For the O.P. No.4.

Sk. Md. Glib,
Mr. Abu Siddique Mallick,
.... For the Board of Auqaf, W.B.

The revisional application under Article 227 of the Constitution of India is directed against the order no. 22 dated February 21, 2019 passed by the Wakf Tribunal, West Bengal in Title Suit No. 36 of 2017.

The plaintiffs/opposite parties have filed the aforesaid suit for eviction of the defendants on the ground of expiry of lease.

The plaintiffs before approaching the Tribunal filed a suit for the selfsame relief before the City Civil Court at Calcutta being Title Suit No. 1413 of 2013 but the plaint of the said suit was rejected on an objection being raised by the petitioners as to the

jurisdiction of the City Civil Court to decide the said suit on the ground that the suit property is a Wakf property.

The plaintiffs thereafter filed the present connected suit before the Wakf Tribunal.

The petitioners suppressing the aforesaid fact, again prayed rejection of the plaint of the present suit before the Tribunal under Order VII Rule 11 of the Code contending that the Tribunal has no jurisdiction to decide the said suit under the provisions of The Waqf Act, 1995.

The Tribunal by the order impugned has dismissed the said application.

The petitioners even in the present revisional application have not disclosed the said fact of rejection of the plaint of the earlier suit filed before the City Civil Court and obtained an order of stay of further proceedings of the connected suit, this is a glaring instance of abuse of process of court, the revisional application is liable to be dismissed on the said ground alone, besides, the same is devoid of any merit.

C.O. 1921 of 2019 is dismissed with **costs of Rs. 25,000/-** (Rupees twenty-five thousand) only to be paid by the petitioners in

favour of Juvenile Justice Secretariat, High Court, Calcutta within two weeks from date.

The Tribunal is requested to dispose of the suit as expeditiously as possible in accordance with law and in doing so shall not entertain prayer of the parties for any unnecessary adjournment.

I.A. No. CAN 1 of 2021

In view of the dismissal of the revisional application, the connected application being I.A. No. CAN 1 of 2021 has become infructuous and is dismissed as such without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)