

**120 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-60-2022 (O&M)

Date of decision: 10.01.2022

Haryana Wakf Board, Ambala Cantt.

...Petitioner

Versus

Chandgi Ram and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Punchhi, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

An application under Order 7 Rule 11 of Code of Civil Procedure, 1908, filed by defendant no.1, in a suit for permanent as well as mandatory injunction, has been dismissed by the trial court. The defendant claims that the suit is not maintainable before the civil court.

It has been noticed that application under Order 7 Rule 11 of Code of Civil Procedure, 1908, was filed on the ground that in the absence of notice under Section 89 of the Wakf Act, 1995, the suit is not maintainable.

Keeping in view the aforesaid facts, the revision petition is disposed of, with liberty to the petitioner to file an application under Order 7 Rule 10 of Code of Civil Procedure, 1908, for return of the plaint to be presented before the court of competent jurisdiction. If such an application is filed, the same shall be disposed of by the court expeditiously.

Disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

10.01.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE