

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 6689 of 2016

Date of Decision: 23.08.2022

Surjit Singh and Others

... Petitioner(s)

Versus

Punjab Wakf Board, Chandigarh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Mandeep K. Saajan, Advocate
for the petitioner(s).

Mr. Ghulam Nabi Malik, Advocate
for the respondent No.1.

Anil Kshetarpal, J.

1. The trial Court, after analyzing the plaint and the written statement, has recast the issues, which are extracted as under:

- “1. *Whether the plaintiff is entitled for possession of the suit land being as owner? OPP.*
2. *Whether Sh. Mohammad Nazir, Estate Officer is competent to file this suit? OPP.*
3. *Whether Harnam Singh deceased was tenant of the plaintiff? OPP.*
4. *Whether the suit is not maintainable in the present form? OPD.*
5. *Whether the suit property is not wakf property? OPD.*
6. *Whether the plaintiff has no locus standi to file the present suit? OPD*

7. *Whether the plaintiff has no cause of action to file the present suit? OPD*
8. *Whether the Civil Court has no jurisdiction to decide this case?OPD*
9. *Whether the mutation no. 14989 sanctioned in favour of plaintiff is legal in the eyes of law, if so, its effect? OPP*
10. *Whether the entries in the column of ownership made on the basis of mutation no. 14989 are wrong and incorrect from the year 1995-96 to 2010-2011 in the Jambandies of revenue estate of Zira and Red note is incorrect and wrong in Jamabandi 199091 concerning the suit land? OPD.*
11. *Relief.”*

2. The correctness of the aforesaid order has been challenged. It would be noted here that the issues have been recast on the application filed by the petitioners. The petitioners, being the defendant No. 1 to 3, have objected to the maintainability of the suit and disputed that the property is not a wakf property. Hence, the onus has correctly been placed to prove issues No. 4, 5, 6, 7, 8 and 10 on the defendants.

3. Keeping in view the aforesaid facts, no ground is made out to interfere. Hence, this revision petition is dismissed.

(Anil Kshetarpal)
Judge

August 23, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No