



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.2589 of 1994 (O&M)

Date of Order:19.07.2024

Punjab Wakf Board

.Appellant

Versus

Radha Krishan

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jasmeet Singh Bhatia, Advocate
for the appellant.

ANIL KSHETARPAL, J

1. In this regular second appeal, the plaintiff assails the correctness of the concurrent findings of fact arrived at by the courts below while dismissing his suit for grant of decree of permanent injunction.

2. It has been found by both the courts below that the suit property is not a wakf property and the defendant is not a tenant in the premises owned by the appellant.

3. The learned counsel representing the appellant contends that in a suit for grant of decree of injunction, the courts were not required to decide the issue of ownership. He submits that it was a mere suit for injunction, hence, the court was not required to frame an issue with regard to title and decide the same.

4. This court has considered the submissions of the learned counsel representing the appellant.

5. While filing the suit the plaintiff claims to be the owner of the property. In fact, it is claimed that the suit property is a 'Wakf property' and the defendant was let out the plot for constructing shops. Thus, the plaintiff



claimed ownership.

6. The defendant while contesting the suit claimed that the property was allotted to him by the custodian department in the year 1953. After examining the pleadings, the trial court culled out the following issues for adjudication:-

- “1. Whether the suit has been filed on behalf of Punjab Wakf Board by duly authorized person?OPP
2. Whether the plaintiff is entitled to the injunction prayed for?OPP
3. Whether the plaintiff is not the owner of the suit land?OPD
4. Whether the suit is not maintainable in the present form?OPD
5. Whether the suit is bad for non-joinder of necessary parties?OPD
6. Whether the plaintiff is estopped from filing the suit by its act and conduct?OPD
7. Whether the defendant can withdraw from the admission made by him in the previous suit decided between the parties?OPD
8. Relief.”

7. The parties led their evidence and the court upon appreciation of evidence recorded the findings of fact. Hence, the suit filed by the plaintiff was not merely a suit for injunction but also a suit for declaration of ownership.

- 8. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.
- 9. Dismissed.
- 10. All the pending miscellaneous applications, if any, are also disposed of.

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July 19, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:YES/NO
Whether reportable	:YES/NO