



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.4693 of 2019(O&M)

Date of Order:04.02.2025

Haryana Wakf Board

.Appellant

Versus

Krishan Lal

..Respondent

RSA No.5075 of 2019(O&M)

Haryana Wakf Board

...Appellant

Versus

Krishan Lal

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jai Bhagwan, Advocate
Mr. Sanjeev Kumar, Advocate
for the appellant.

ANIL KSHETARPAL, JUDGE (Oral)

C.M.No.13389-C-2019

C.M.No.14396-C-2019

1. For the reasons mentioned in these applications, which are supported by affidavits, the delay of 36 and 24 days in re-filing the appeals is condoned.

2. CMs stand disposed of.

MAIN

3. With the consent of the learned counsel representing the appellant, two connected Regular Second Appeals arising from a common



suit filed by the plaintiff shall stand disposed of with this common order.

4. The plaintiff assails the correctness of the judgments passed by the courts below while dismissing its suit for grant of decree of permanent injunction with consequential relief of mandatory injunction. The plaintiff filed the suit on the ground that the property was given on lease to defendant's father but no licence fee has been paid from 1983, and therefore the defendant is in unauthorized occupation.

5. While contesting the suit, the defendant claimed that his father was tenant, who died in the year 1999. Thereafter, vide allotment letter Ex.D4 dated 22.03.1995, the property was allotted in favour of his wife as a tenant.

6. The trial court dismissed the suit. The appeal was filed by the plaintiff, whereas cross objections were filed by the defendants. The First Appellate Court has dismissed the plaintiff's appeal, whereas cross objections of the defendant has been allowed.

7. At the outset, the learned counsel representing the appellant was called upon to explain as to why the Wakf Board has not initiated proceedings seeking ejectment of a tenant, however, he had no satisfactory explanation. Wakf Board claims to be owner of the property. At the most the defendant claims to be tenant under Wakf Board. Rather than flooding the courts with unnecessary litigation, the plaintiff may consider seeking appropriate relief by filing appropriate proceedings.

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.

(ANIL KSHETARPAL)
JUDGE

February 04, 2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No