2026:AHC:208634

HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL REVISION No. - 89 of 2017

Smt. Talat Jahan

.....Revisionist(s)

Versus

Sri Mashood Ali Khan @ Pappu Miyan And 7 Others

.....Opposite Party(s)

Counsel for Revisionist(s)	:	Mohammad Hisham Qadeer, Sr. Advocate
Counsel for Opposite Party(s)	:	Ajay Kumar Singh, Arpit Agarwal, Ashish Kumar Singh, Mohd. Waris

Court No. - 54

HON'BLE ANIL KUMAR-X, J.

1. None appeared on behalf of the revisionist in the revised call. Learned counsel for the respondent-defendant is present.

2. This revision has been directed against the order dated 27.2.2017 passed by the Uttar Pradesh Waqf Tribunal, Rampur in Waqf Case No. 414 of 2016, whereby an application filed by the respondent-defendant under Order VII Rule 11 CPC has been allowed.

3. Learned counsel for the respondent-defendant submitted that the suit before the Waqf tribunal was filed with a prayer for partition of the Waqf property along with a prayer for rendition of accounts. It was submitted that none of the prayers in respect of the Waqf property, particularly in the absence of impleadment of the Waqf Board, is maintainable. It was mandatory for the revisionist-plaintiff to implead the Waqf Board as a party to the suit, but the Waqf Board was not impleaded. The same finding was also recorded by the learned tribunal while allowing the application under Order VII Rule 11 CPC, holding that in the absence of impleadment of the Waqf Board, the suit is not maintainable. It was further submitted that any grievance regarding rendition of accounts is maintainable only before the Waqf Board and not before the Waqf tribunal. On the aforesaid grounds, the application filed by the respondent-defendant under Order VII Rule 11 CPC was allowed. It was lastly contended that the order passed by the learned tribunal does not suffer from any infirmity.

4. Heard learned counsel for the respondent and perused the impugned order dated 27.2.2017 along with the plaint filed by the revisionist. It is apparent that partition of the Waqf property has been sought by the revisionist-

plaintiff in his suit. It has rightly been argued by learned counsel for the respondent that a property once vested in Waqf can never be divested and, therefore, cannot be partitioned. The other prayer regarding rendition of accounts was also not maintainable before the tribunal rather, such grievance could have been raised before the Waqf Board. Therefore, this Court does not find any illegality or infirmity in the order passed by the learned tribunal.

5. Hence, the impugned order dated 27.2.2017 is upheld and the revision is dismissed.

October 5, 2026
Ujjawal

(Anil Kumar-X,J.)

Digitally signed by :-
UJJAWAL
High Court of Judicature at Allahabad