ITEM NO.13 Court 11 (Video Conferencing) SECTION IV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 27148/2021
(Arising out of impugned final judgment and order dated 15-07-2021 in RSA No. 639/2002 15-07-2021 in RSA No. 640/2002 passed by the High Court of Karnataka at Kalaburagi)

ABDUL RASHEED & ANR. Petitioner(s)

VERSUS

THE KARNATAKA BOARD WAKFS & ORS. Respondent(s)

(FOR ADMISSION and IA No.154852/2021-APPLICATION FOR SUBSTITUTION and IA No.154853/2021-SETTING ASIDE AN ABATEMENT and IA No.154855/2021-EXEMPTION FROM FILING O.T. and IA No.154851/2021-PERMISSION TO FILE PETITION (SLP/TP/WP/..) and IA No.154854/2021-CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN.)

Date : 10-12-2021 This petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Ms. Kiran Suri, Sr. Adv.
Mr. S.J. Amith, Adv.
Mr. Krishna Kumar, Adv,
Dr. (mrs.) Vipin Gupta, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Permission to file special leave petition is granted.

Learned counsel for the petitioner contends that the suit was filed in the year 1960 and there was no bar of jurisdiction of Civil Court at that time. The High Court had referred to Section 55 of the Wakf Act, 1954 inserted by amendment in the year 1984 but such amendment was never enforced. Therefore, the Civil Court alone would have the jurisdiction to decide the issues raised by the appellant.

Delay in filing substitution application is condoned.

Abatement is set aside.

Signature Not Verified
Digitally signed by R Natarajan
Date: 2021.12.11 15:55:14 IST
Reason:

Application for substitution to bring on record the legal representatives of deceased appellant No.2 is allowed.

Issue notice on the special leave petition as well as on the prayer for interim relief.

(SWETA BALODI)
COURT MASTER (SH)

(RENU BALA GAMBHIR)
COURT MASTER (NSH)