

ITEM NO.48

COURT NO.12

SECTION IVB

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 34196/2015

(Arising out of impugned final judgment and order dated 02/09/2015 in CR No. 4730/2004 passed by the High Court Of Punjab & Haryana At Chandigarh)

PUNJAB WAKF BOARD

Petitioner(s)

VERSUS

ASHOK KUMAR AND ORS.

Respondent(s)

(with appln. (s) for permission to file additional documents and interim relief and office report)

Date : 05/05/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Mr. Imtiaz Ahmed, Adv.
Mrs. Naghma Imtiaz, Adv.
Mr. Ahmed Zargham, Adv.
M/s. Equity Lex Associates, Adv.

For Respondent(s) Mr. Neeraj Kumar Jain, Sr. Adv.
Mr. Sanjay Singh, Adv.
Mr. Pratham Kant, Adv.
Mr. Umang Shanker, Adv.
Mr. Ugra Shankar Prasad, Adv.

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

Leave granted.

Appeal stands disposed of in terms of the signed
order.

Pending applications, if any, shall stand disposed
of.

(NEELAM GULATI)
COURT MASTER

(TAPAN KR. CHAKRABORTY)
COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No(s). 6437 OF 2017
(Arising out of SLP(C) No. 34196 of 2015)

PUNJAB WAKF BOARD

Appellant(s)

VERSUS

ASHOK KUMAR AND ORS.

Respondent(s)

O R D E R

Heard learned counsel for the parties.

Leave granted.

The impugned judgment of the High Court of Punjab and Haryana at Chandigarh on the point of jurisdiction is palpably illegal. The decisions relied on Ramesh Gobindram (dead) through Lrs. vs. Sugra Humayun Mirza Wakf [2010 AIR (SC) 2897] and in Faseela M. vs. Munnerul Islam Madrasa Committee and another [2014 (2) RCR (Civil) 890] pertained to the tenancy cases. Both the cases pertain to the waqf property and property was waqf property was not in

dispute and cases were related to eviction of the tenants. As such this court has laid down that dispute not being with respect to whether it was waqf property or not, waqf Tribunal would not have jurisdiction. However in the instant case, there was clear dispute raised with regard to the fact that whether it was waqf property. The High court had observed that ownership had not been asserted in the plaint though ownership and factum of its being wakf property was disputed in the written statement. The approach of the High Court cannot be said to be at all warranted. The wakf Tribunal had jurisdiction to entertain the suit. Thus the decision rendered by the High Court is set aside. Matter is remitted to the High Court with a request to the Chief Justice of the High Court of Punjab and Haryana to assign the matter to some other appropriate Bench, as agreed to by both the learned counsel for the parties, for decision in accordance with law on merits expeditiously preferably within six months.

The impugned order is set aside.

The appeal stands disposed of.

.....J.
(ARUN MISHRA)

.....J.
(AMITAVA ROY)

NEW DELHI;
MAY 05, 2017