

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8194 OF 2013
(Arising out of S.L.P.(C) No. 9304 of 2011)

PUNJAB WAKF BOARD ... APPELLANT(S)

VERSUS

PRITPAL SINGH & ANR. ... RESPONDENT(S)

O R D E R

Petitioner herein filed a suit before the Wakf Tribunal, Ludhiana, inter alia praying for possession as also for mesne profits. The Wakf Tribunal by its order dated 08.05.2009 decreed the suit for possession as also for recovery of mesne profits.

Aggrieved by the same, the respondents preferred a writ petition before the High Court for quashing the said order. By impugned order dated 16.12.2010, the Punjab & Haryana High Court had set aside the order of the Wakf Tribunal on its finding that the Wakf Tribunal had no jurisdiction to entertain a suit for ejection. It is against this order that the petitioner has preferred this special leave petition.

Leave granted.

Learned counsel for the petitioner submits that the High Court has misdirected itself by holding that the suit was for eviction. He draws our attention to the judgment of the Wakf Tribunal and contends that the suit was for possession and the mesne profits and, in fact, the same was decreed. Learned counsel for the respondents supports the impugned order.

Having heard learned counsel for the parties, we are of the opinion that the High Court had erred in holding that the suit was for ejection and that being so the Wakf Tribunal has no jurisdiction. As we have observed earlier, the suit filed before the Wakf Tribunal was for possession and mesne profits and, therefore, the High Court had erred in setting aside the order of the Wakf Tribunal.

As the High Court has not gone into the merits of the case, the order of the High Court deserves to be set aside and the matter remitted back to it for reconsideration in accordance with law.

In the result, we allow this appeal, set aside the impugned judgment and order of the High Court and remit the matter back to it for its reconsideration in accordance with law.

.....J.
(CHANDRAMAULI KR. PRASAD)

O R D E R

S.L.P. (C) No. 9304 of 2011

Leave granted.

In terms of the signed order, the appeal is allowed, the impugned order is set aside and the matter is remitted back to the High Court for its reconsideration in accordance with law.

S.L.P. (C) Nos. 14392 of 2011 & 30368 of 2011

List these special leave petitions after the disposal of S.L.P. (C) No. 18810 of 2010

| (S.K. Rakheja)
| Court Master

| |(Indu Satija)
| |Court Master

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(Signed order in Civil Appeal No. 8194/2013 @ S.L.P.(C) No. 9304/2011 is placed on the file)