

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

CIVIL APPEAL NO.8018 OF 2015
(Arising out of SLP(C)No.20451 Of 2015)

HARYANA WAKF BOARD ... APPELLANT(S)

vs.

RAJENDER KUMAR ... RESPONDENT(S)

J U D G M E N T

ANIL R. DAVE, J.

1. Heard the learned counsel.
2. Leave granted.
3. We are impressed by only one submission made by the learned counsel for the appellant that the trial court did not consider the provisions of the amended Section 83 of the Wakf Act, 1995, while relying upon the judgment delivered in Faseela M. Vs. Munnerul Islam Madrasa Committee & Anr. [AIR 2014 SC 2064 = 2014 SCR 613]. The said judgment pertains to a case filed prior to the amendment of Section 83 of the Wakf Act, 1995.

4. In the circumstances, in our opinion, it would be just and appropriate to remit the matter to the trial court to consider the provisions of Section 83 of the Wakf Act, 1995 and take appropriate decision in accordance with law.

5. We, therefore, set aside the impugned order passed by the High Court whereby the order of the trial court has been confirmed.

5. The appeal is allowed with the above observations, with no order as to costs.

6. The parties shall appear before the trial court on 26th October, 2015, so that the matter can be heard further by the trial court. Intimation of this order be sent to the trial court.



.....J.
[ANIL R. DAVE]

.....J.
[ADARSH KUMAR GOEL]

New Delhi;
28th September, 2015.

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). 20451/2015

(Arising out of impugned final judgment and order dated 24/04/2015 in CR No. 2737/2015 passed by the High Court Of Punjab & Haryana At Chandigarh)

HARYANA WAKF BOARD

Petitioner(s)

VERSUS

RAJENDER KUMAR

Respondent(s)

(With interim relief and office report)

Date : 28/09/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIL R. DAVE

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Petitioner(s)

Mr. Imtiaz Ahmed, Adv.

Ms. Naghma Imtiaz, Adv.

For M/s. Equity Lex Associates, Adv.

For Respondent(s)

Mr. Punit Jain, Adv.

For Mr. C.S. Ashri, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeal is allowed with no order as to costs in terms of the signed order.

(Sarita Purohit)
Court Master(Sneh Bala Mehra)
Assistant Registrar

(Signed order is placed on the file)