

Sunni Central Board of Waqf, Lucknow

Vs

Pooran Chand and Another

Civil Appeal No. 1934 of 1984

(Ranganath Misra, M. M. Punchhi, K. Ramaswamy JJ)

23.03.1990

JUDGMENT

RANGANATH MISRA, J. –

1. This appeal is by special leave and challenge is to the order dated October 1, 1981, on a miscellaneous application in a pending second appeal before the High Court. The High Court in the pending second appeal was asked to decide whether a suit instituted without prior notice under Section 66 of U. P. Muslim Waqfs Act, 1960, was maintainable. That, in fact, was the question which required adjudication in the second appeal. The High Court negatived the stand. We are of the view that the impugned order need not be interfered with but in case in the second appeal this question is raised it shall be disposed of on its own merits after hearing parties in case that appeal may still be pending disposal. We do not express any opinion one way or the other.

2. The appeal is, therefore, disposed with this observation. No costs.

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