

**SUPREME COURT OF INDIA**

Haryana Wakf Board

Vs.

Rajender Kumar

C.A.No.8018 of 2015

(Anil R.Dave and Adarsh Kumar Goel, JJ.,)

28.09.2015

**JUDGMENT**

**Anil R.Dave, J.,**

**SLP(Civil)No.20451 of 2015**

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<sup>l</sup>*. 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.

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

7. 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.

Judgment Referred.

