

Court while examining the bar of civil court as contemplated under Section 85 of the Wakf Act, 1995 had drawn a distinction that such power would apply only in respect of the issues arising under certain provisions of Act i.e., Section 6, 7 and 83 of the Wakf Act, 1995 and had held that a suit before a civil court would be maintainable for other reliefs notwithstanding the creation of the Wakf tribunal under the Act, unless the dispute falls within the four corners of the powers vested in the Tribunal. Therefore, despite there being the bar of jurisdiction of the civil courts under the Act, as noted, except for the disputes arising to the limited extent all other issues were held to be maintainable before the civil court. The relevant consideration is as hereunder:

“8. Wakfs and matters relating thereto were for a long time governed by the Wakf Act, 1954. The need for a fresh legislation on the subject was, however, felt because of the deficiencies noticed in the working of the said earlier enactment especially those governing the Wakf Boards, their power of superintendence and control over the management of individual wakfs. Repeated amendments to the 1954 Act, having failed to provide effective answers to the questions that kept arising for consideration, Parliament had to bring a comprehensive legislation in the form of the Wakf Act, 1995 for better administration of wakfs and matters connected therewith or incidental thereto.”

[Ramesh Gobindram \(Dead\) Through Lrs. v. Sugra Humayun Mirza Wakf , 2010 PLRonline 0003](#)