

Wakf Act, 1995, S. 5, 6, 7, 85 - Wakf Act, 1954, S. 5, 6 - Suit - Wakf property - Jurisdiction of Civil Court is barred by S. 6, 7 of 1995 Act in respect of questions specifically enumerated under those provisions - Comparison between provisions of Act of 1995 and Act of 1954 -Held, Provisions found in Sections 5 and 6 of Wakf Act 1995 and Act of 1954 are almost akin to each other. However the change brought in by the Parliament under 1995 Act is that, in the case of dispute regarding Wakfs, the aggrieved party needs to approach the Wakf Tribunal constituted under Section 83 of the Waqf Act 1995 and consequently the jurisdiction of the Civil Court is taken away. Except the aforesaid change, no other substantial modification is found in those provisions. Section 7 of 1995 Act empowers the Tribunal to determine the disputes, regarding Auqaf/Wakfs, the particulars of which are specified therein. *Held further*, Section 6 and Section 7 of Waqf Act 1995 bars jurisdiction of the Civil Court to try the civil suit in respect of questions specifically enumerated under those provisions. Section 85 of Waqf Act, 1995 further clarifies that no suit or other legal proceeding shall lie in any civil court, revenue court and any other authority in respect of any dispute, question or other matter relating to any wakf, wakf property or other matter which is required by or under this Act to be determined by a Tribunal.

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