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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **RSA 26/2023**

FAKRE ALAM

..... Appellant

Through: Mr. Muhammad Arif and Mr.
Zafaruddin Zafar, Advs.

versus

GANGA DEVI & ORS.

..... Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

O R D E R

08.02.2023

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[The proceeding has been conducted through Hybrid mode]

CM APPL. 6109/2023 (Exemption)

1. Exemption is allowed, subject to all just exceptions.
2. However, the certified copies of the exempted documents may be filed within six weeks from today.
3. Application stands disposed of.

RSA 26/2023 & CM APPL. 6110/2023 (Stay)

4. The appellant, by way of the Regular Second Appeal, challenges the impugned judgment and decree dated 09.11.2022 passed by the First Appellate Court in RCA-11/2017 titled as "*Delhi Wakf Board Vs. Fakre Alam & Ors.*" whereby the First Appellate Court has reversed the judgment and decree dated 17.12.2016 titled



“*Sh. Fakre Alam Vs. Smt. Ganga Devi & Ors.*” whereby the learned Trial Court had decreed the suit of the appellant herein.

5. Mr. Muhammad Arif, learned counsel for the appellant submits that the learned First Appellate Court has erroneously reversed the actual findings recorded by the learned Trial Court and despite the fact that the appellant had in his favour registered sale deed Ex.PW1/A, had on conjectures and surmises, discarded the said registered documents having presumption in law in contradistinction to a general notification allegedly to be in favour of respondent No.3 wakf board regarding the entire abadi of the village Mehrauli.

6. Issue notice. Upon the appellant taking steps within a week, notice may be served through all permissible modes.

7. Learned counsel for the appellant also submits that the appellant has been in continuous possession of the subject premises since 2006 when the appellant stated to have purchased the suit property under the registered sale deed and in continuous possession even today.

8. In the meanwhile status quo as obtaining today in respect of title and possession of the suit property be maintained till the outcome of the present appeal.

9. List on 08.09.2023 for framing of substantial question of law.

TUSHAR RAO GEDELA, J

FEBRUARY 8, 2023/ms