

Wakf Act, 1995

Section 86 - Appointment of a receiver in certain cases.—Notwithstanding anything contained in the Code of Civil Procedure, 1908

5 of 1908), or in any other law for the time being in force, where any suit or other legal proceeding is instituted or commenced (a) by or on behalf of a Board (i) to set aside the sale of any immovable property, which is 1[waqf] property, in execution of a decree or order of a civil court; (ii) to set aside the transfer of any immovable property, which is 1[waqf] property, made by the mutawalli thereof, whether for valuable consideration or not, without or otherwise than in accordance with, the sanction of the Board; (iii) to recover possession of the property referred to in clause (a) or clause (b) or to restore possession of such property to the mutawalli of the concerned 1[waqf]; or (b) by a mutawalli to recover possession of immovable property, which is 1[waqf] property, which has been transferred by a previous mutawalli 3[or by any other person], whether for valuable consideration or not, without otherwise than in accordance with the sanction of the Board, and which is in the possession of the defendant, the court may, on the application of the plaintiff, appoint a receiver of such property and direct such receiver to pay from time to time to the plaintiff, out of the income of the property, such amount as the court may consider to be necessary for further prosecution of the suit. 87. [Bar to the enforcement of right on behalf of unregistered wakfs.] Omitted by the Wakf (Amendment) Act, 2013 (27 of 2013), s. 47 (w.e.f. 1-11-2013).