

In previously  
managed by  
mutawalli is covered



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In *L. Machi Reddy v. The Wakf Board of Andhra Pradesh*, (AIR 1973 AP 73), it has been held that suits contemplated by Art.

96 are for possession by the present manager of the religious or charitable institution improperly transferred by the previous manager, whether the property be movable or immovable. It is not necessary that the transferor manager should have been the immediate predecessor of the plaintiff manager seeking to challenge the alienation. In *Rattiah v. Pothan Asha Bibi*, (AIR 1964 AP 393), it has been held that when the mutavalli of a wakf granted lease of wakf property for a period of more than three years, the lease attracts Art. 96 and his successor is entitled to bring a suit for recovery of possession of the lease- land property within the period of twelve years under the Art. 96.

The word ' manager' under Art. 96 is a person who is in charge of the administration of an endowment or manages the property or supervises the performance of the religious or charitable institution. A Wakf Board constituted to take charge of the wakf previously managed by mutawalli is covered by the expression " manager of the endowment". When the property of a Hindu religious endowment was sold by the manager of the endowment to third party, the Article 96 applies.

The Article 96 is not attracted to execution sale because it being an involuntary transfer cannot be regarded as a transfer by the judgment-debtor manager to the auction-purchaser. Here, the limitation would start from the date when the auction-purchaser obtained effective possession of the property auction- purchased and not from the death of the trustee or

manager. Under the Art. 96 of the Limitation Act, 1963, even if the suit was JS filed more than 12 years after the death, resignation or removal of the transferor manager but within 12 years of the appointment of the new manager, the suit will be within time.