

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE SUNIL THOMAS

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

CRP(WAKF).No. 465 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN I.A.NO.184/2015 IN OS 9/2014 OF
WAKF TRIBUNAL, KOLLAM DATED 23-07-2015

REVISION PETITIONER(S)/PETITIONERS/PLAINTIFFS

1. JALALUDEEN, AGED 47 YEARS,
S/O.HAJI MUHAMMED HANEEFA, MUSHTHAK MANZIL,
KUTTAMALA, VAZHACHIL DESOM, VAZHACHIL VILLAGE,
THIRUVANANTHAPURAM.
2. MAHEENKUTTY, AGED 50 YEARS,
S/O.HAJI MUHAMMED HANEEFA, MUSHTHAK MANZIL,
KUTTAMALA, VAZHACHIL DESOM, VAZHACHIL VILLAGE,
THIRUVANANTHAPURAM.
3. MYTHEEN KANNU, AGED 38 YEARS,
S/O.HAJI MUHAMMED HANEEFA, MUSHTHAK MANZIL,
KUTTAMALA, VAZHACHIL DESOM, VAZHACHIL VILLAGE,
THIRUVANANTHAPURAM.

BY ADV. SRI.T.R.RAJAN

RESPONDENT(S) :/COUNTER PETITIONERS/DEFENDANTS

1. KUTTAMALA CHIRAYAKKODU MUSLIM JAMA-ATH
VAZHACHIL DESOM, VAZHACHIL VILLAGE,
THIRUVANANTHAPURAM,
REPRESENTED BY ITS JAMA-ATH SECRETARY,
M.S.SHAN
AGED 27 YEARS, KUTTAMALA P.O., CHIRAYAKKODU,
PIN-695 505.
2. MAHEENKUTTY
PRESIDENT
CHIRAYAKKODU MUSLIM JAMA-ATH, VAZHACHIL DESOM,
VAZHACHIL VILLAGE, THIRUVANANTHAPURAM-695 505.

3. JALAL, AGED 63 YEARS
VICE PRESIDENT
CHIRAYAKKODU MUSLIM JAMA-ATH, VAZHACHIL DESOM
VAZHACHIL VILLAGE, THIRUVANANTHPAURAM-695 505.
4. SULFIKER, AGED 32 YEARS
JOINT SECRETARY
CHIRAYAKKODU MUSLIM JAMA-ATH, VAZHACHIL DESOM
VAZHACHIL VILLAGE, THIRUVANANTHPAURAM-695 505.
5. SAIDH, AGED 43 YEARS
TREASURER
CHIRAYAKKODU MUSLIM JAMA-ATH, VAZHACHIL DESOM
VAZHACHIL VILLAGE, THIRUVANANTHPAURAM-695 505.
6. NIJAM, AGED 32 YEARS
EXECUTIVE MEMBER
CHIRAYAKKODU MUSLIM JAMA-ATH, VAZHACHIL DESOM
VAZHACHIL VILLAGE, THIRUVANANTHPAURAM-695 505.
7. ASHRAF, AGED 28 YEARS
EXECUTIVE MEMBER
CHIRAYAKKODU MUSLIM JAMA-ATH, VAZHACHIL DESOM
VAZHACHIL VILLAGE, THIRUVANANTHPAURAM-695 505.
8. SHAJEER KHAN, AGED 40 YEARS
EXECUTIVE MEMBER
CHIRAYAKKODU MUSLIM JAMA-ATH, VAZHACHIL DESOM
VAZHACHIL VILLAGE, THIRUVANANTHPAURAM-695 505.
9. HAKKIM, AGED 52 YEARS
EXECUTIVE MEMBER
CHIRAYAKKODU MUSLIM JAMA-ATH, VAZHACHIL DESOM
VAZHACHIL VILLAGE, THIRUVANANTHPAURAM-695 505.

THIS CRP (WAKF ACT) HAVING COME UP FOR ADMISSION ON
11-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN &
SUNIL THOMAS, JJ.

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CRP (Wakf) No.465 of 2015
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Dated this the 11th day of August, 2015.

O R D E R

Thottathil B.Radhakrishnan, J.

1. We have heard the learned counsel for the revision petitioners, who are the plaintiffs.
2. Petitioners are members of the first respondent Jama-ath. They insist that the marriage of the second petitioner's daughter be carried out with the involvement of the office bearers of the first respondent and that marriage certificate has to be issued by that Jama-ath. The first respondent contested the interlocutory application pleading that the petitioners were acting against the interest of the first respondent. More so because, they are also members of another Jama-ath, namely Poozhanad Jama-ath. The first respondent Jama-ath, therefore, issued notice to the petitioners that if they intend to continue as the members of the first respondent Jama-ath, they have to get themselves removed from the rolls of the Poozhanad Jama-ath and have to produce certificate to that

effect. The petitioners did not respond to that. The suit from which this matter arises was filed about 2½ months after that action. The learned Wakf Tribunal was, therefore, justified in taking the view that issues raised for consideration cannot be answered in an interlocutory application and there is no urgency to have the matter decided through an interlocutory application. Having considered the materials, copies of which are shown to us at our request by the learned counsel for the revision petitioners, and taking into consideration the views expressed in the impugned order, we do not find our way to exercise the jurisdiction under Section 83(9) of the Wakf Act, 1995 and thereby to upset the impugned order. This revision petition, therefore, fails.

3. The learned counsel for the revision petitioners thereupon made a request that the Tribunal may be directed to expedite final disposal of the suit, since the marriage of the daughter of the second petitioner is fixed to be on 4th October, 2015. We record this request. The learned Tribunal will list the matter for expeditious consideration and disposal, having regard to

the aforesaid request of the revision petitioners.

In the result, subject to what is stated in the immediate preceding paragraph, this revision petition is dismissed clarifying that the suit will be decided untrammelled by anything stated in the order impugned in this revision petition.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(SUNIL THOMAS, JUDGE)