

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

OP(C).No. 2481 of 2015 (O)

(AGAINST THE ORDER DATED 7.7.2015 IN I.A.NO.201/2015 IN A.S.NO.52/2015 ON THE
FILE OF THE ADDITIONAL DISTRICT COURT-I, MAVELIKKARA)

PETITIONERS/APPELLANTS 2 & 4:

1. SHAMASUDEEN RAWTHER, AGED 68 YEARS
PRESIDENT, NORTH NOORUL ISLAM JAMA-ATH
RESIDING AT PUTHIYITHU VEEDU, CHUNAKKARA THEKKU
CHUNAKKARA VILLAGE, CHARUMMOOD P.O., 690505
ALAPPUZHA DISTRICT.
2. ABDUL JABBAR
S/O.NAGOO MEERAN RAWTHER, PARAYIL VEETIL
CHUNAKKARA VILLAGE, CHARUMMOOD P.O.
ALAPPUZHA DISTRICT.

BY ADV. SRI.ROY CHACKO

RESPONDENTS/PETITIONERS 1 & 3:

1. SUHARA BEEVI, AGED 83 YEARS
W/O.KATTUVA RAWTHER, THERUVIL VEETIL, AZHANTHA VILA
KOMALLOOR P.O., CHUNAKKARA-690505, ALAPPUZHA DISTRICT.
2. AJITHA.K., AGED 42 YEARS
GOVT.SERVANT, D/O.SUHALA BEEVI, THERUVIL VEETIL
AZHANTHA VILA, KOMALLOOR P.O., 690505
ALAPPUZHA DISTRICT.
3. HANEEFA, AGED 63 YEARS
MINNA PILLAI RAWTHER, MANNADI THEKKETHIL
CHARUMMOOD P.O., PIN 690505, ALAPPUZHA DISTRICT.
4. E.M.MUSTHAF
M.H.MANZIL, PEROORKARAZHAMA, CHARUMMOOD P.O.
690505, ALAPPUZHA DISTRICT.
5. E.M.MUSTHAF
SECRETARY, CHUNAKKARA NORTH NOORUL ISLAM JAMA-ATH
CHUNAKKARA-690505, ALAPPUZHA DISTRICT.

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 23-12-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS

EXHIBIT-P1: TRUE COPY OF THE PLAINT IN O.S.313/2010, SUB COURT, MAVELIKARA.

EXHIBIT-P1(A): TRUE COPY OF THE PLAINT IN OS.197/10 MUNSIFF COURT, MAVELIKARA.

EXHIBIT-P2: TRUE COPY OF THE WRITTEN STATEMENT DATED 3.2.2011 IN OS 313/2010.

EXHIBIT-P3: TRUE COPY OF THE PETITION FOR AMENDMENT OF THE PLAINT IN OS 313/2010.

EXHIBIT-P4: TRUE COPY OF THE ORDER DATED 20.10.2010 IN I.A.NO.242/2014 IN O.S.10/2010 PASSED BY THE WAKF TRIBUNAL, KOLLAM.

EXHIBIT-P5: TRUE COPY OF THE APPEAL MEMORANDUM DATED 28.2.2015 IN AS 52/2015 FILED BEFORE THE ADDL.DISTRICT COURT, MAVELIKARA.

EXHIBIT-P6: TRUE COPY OF THE PETITION DATED 28.2.2015 FOR STAY FILED IN AS 52/2015.

EXHIBIT-P7: TRUE COPY OF THE ORDER DATED 7.7.2015 IN I.A. /2015 IN AS 52/2015.

EXHIBIT-P8: TRUE COPY OF THE SALE DEED NO.936 DATED 8.6.1988 EXECUTED BY HAJI FAZAL ABKHAR IN FAVOUR OF THE CHUNAKARA NORTH MUSLIM JAMA-ATH.

EXHIBIT-P9: TRUE COPY OF THE SALE DEED NO.943 DATED 8.6.1988 EXECUTED BY HAJI FAZAL ABKHAR IN FAVOUR OF THE CHUNAKARA NORTH MUSLIM JAMA-ATH.

EXHIBIT-P10: TRUE COPY OF THE SALE DEED NO.961 DATED 8.6.1988 EXECUTED BY HAJI FAZAL ABKAR IN FAVOUR OF THE CHUNAKARA NORTH MUSLIM JAMA-ATH.

EXHIBIT-P11: TRUE COPY OF THE SETTLEMENT REGISTER ISSUED BY THE VILLAGE OFFICER,CHUNAKARA.

EXHIBIT-P12: TRUE PHOTOGRAPH SHOWING THE PATHWAY, LEADING TO THE MOSQUE.

EXHIBIT-P13: TRUE PHOTOGRAPH SHOWING THE INTERIOR VIEW OF THE CLOSE DOWN SHUTTERS.

EXHIBIT-P14: TRUE PHOTOGRAPH SHOWING THE KOLLAM-THENI NH LYING IN THE EAST-WEST DIRECTION AND THE ENTRANCE TO THE MOSQUE FROM THE MAIN ROAD.

RESPONDENTS' EXHIBITS: NIL

/TRUE COPY/

P.S.TO JUDGE

K.ABRAHAM MATHEW J.

O.P.(C)No.2481 of 2015

Dated this the 23rd day of December, 2015

JUDGMENT

After hearing both sides the following direction is issued.
Execution of the decree in O.S.No.197 of 2010 of Munsiff Court, Mavelikkara is stayed till the disposal of A.S.No.52 of 2015 on condition that the petitioners will file an undertaking in the form of an affidavit in the trial court that if the appeal is dismissed they will remove the obstruction within seven days. The appellate court is directed to dispose of the appeal on or before 31.1.2016.

Sd/-

**K.ABRAHAM MATHEW
JUDGE**

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/True copy/

P.S.to Judge