

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.5294 of 2015

ORDER: *(Per Hon'ble Sri Justice R. Subhash Reddy)*

This Civil Revision Petition is filed by the third party to the suit in O.S.No.39 of 2014 on the file of the Andhra Pradesh State Wakf Tribunal at Hyderabad, aggrieved by the order dated 28.10.2015 passed in I.A.No.185 of 2014 in the said suit.

The aforesaid suit is filed by the 1st respondent herein, which is shown as Mumtaz Yaruddowla Wakf represented by Self Style Secretary Nawab Mahboob Alam Khan, against the 2nd respondent herein, a Private Limited Company. The petitioner herein is disputing the authority of Nawab Mahboob Alam Khan to represent the Wakf. The present I.A. is filed seeking the impleadment of the petitioner herein as defendant No.2 in the suit. By the impugned order, the Court below has rejected the I.A. Hence, this revision is filed.

Heard learned counsel for both parties and perused the material available on record.

The record discloses that the present I.A for impleadment is filed not in the individual capacity of Mirza Khusru Ali Baig, who is stated to be the Honorary Secretary of the Wakf, but it is filed in the name of the

Wakf i.e. Mumtaz Yaruddowla Wakf, which is the plaintiff in the suit. In that view of the matter, if I.A is allowed, the plaintiff and defendant No.2 will be the same. However, if the said Mirza Khusru Ali Baig is disputing the capacity of Nawab Mahboob Alam Khan as the Secretary to represent the plaintiff – Wakf, he can individually contest the suit, but not in the name of the Wakf. In that view of the matter and having regard to the reasons stated in the impugned order, this Court does not find any merit in this revision warranting interference under Article 227 of the Constitution of India.

Accordingly, this Civil Revision Petition is dismissed. However, the said Mirza Khusru Ali Baig is given liberty to file implead petition in his individual capacity and, upon filing such application, the Court below shall consider all the objections raised thereon and pass appropriate orders in accordance with law.

As a sequel, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

JUSTICE R.SUBHASH

REDDY

23-12-2015

v v