

THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

CIVIL REVISION PETITION No.757 of 2010

-

-

ORDER:

-

This Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the order dt.18-03-2009 in I.A.No.652 of 2007 in O.S.No.2559 of 2007 of the IX Junior Civil Judge, City Civil Court, Hyderabad.

2. The petitioners herein are defendants in the suit. The 1st respondent/plaintiff filed the suit before the said Court for a perpetual injunction restraining the petitioners herein from interfering and dispossessing him from the plaint schedule property.
3. A written statement was filed by petitioners denying the 1st respondent's possession of the subject property, and contending that the plaint schedule property is a Wakf property and that the Civil Court had no jurisdiction to entertain the suit in view of Section 85 of the Wakf Act, 1995.
4. The petitioners filed I.A.No.652 of 2007 to decide the issue of jurisdiction of the Civil Court as a preliminary issue under Order XIV Rule 2(2) C.P.C.
5. By order dt.18-03-2009, the Court below rejected it.
6. Challenging the same, this Revision is filed.
7. On 26-02-2010 interim stay was granted by this Court in C.R.P.M.P.No.1069 of 2010. Though the learned counsel for

petitioners contends that the order of the Court below is erroneous and deserves to be set aside, I am of the opinion that the suit being of the year 2007 and the question whether the suit schedule property is a Wakf property or not, being a mixed question of law and fact which requires evidence, it is not a fit case to interfere with the impugned order passed by the Court below. The Court below is directed to decide the suit expeditiously preferably within a period of four (04) months from the date of receipt of a copy of this order by framing an issue in the suit as to 'whether it has jurisdiction to try the suit' and after taking evidence, decide the said issue also along with other issues in the suit uninfluenced by the order dt.18-03-2009 in I.A.No.652 of 2007 in O.S.No.2559 of 2007.

8. The Civil Revision Petition is disposed of with the above directions. No costs.
9. As a sequel, miscellaneous petitions pending, if any, shall stand disposed of.

JUSTICE M.S. RAMACHANDRA RAO

Date: 10-06-2015

Vsv/*