

HON'BLE SRI JUSTICE R.SUBHASH REDDY

CIVIL REVISION PETITION No.1402 of 2015

ORDER :

This Civil Revision Petition, under Article 227 of the Constitution of India r/w. Section 83(9) of the Wakf Act, 1995, is filed by the petitioners/defendants aggrieved by the order and decree dated 19.01.2015 in I.A.No.1005 of 2013 in O.S.No.1620 of 2013 passed by the I Senior Civil Judge, City Civil Court, Hyderabad, dismissing the application filed by them under Order VII, Rule 11 of C.P.C., (wrongly mentioned as Order VII, Rule 10 of C.P.C.) seeking to return the plaint on the ground that the Civil Court has no jurisdiction to entertain the same as the suit schedule property belongs to wakf.

2. Heard Sri S.M. Subhani, learned counsel for the petitioners/defendants and Sri Kishore Rai, learned counsel for the respondent/plaintiff.

3. When the matter is taken up for hearing, it is brought to the notice of this Court the judgment of the Apex Court in FASEELA M. vs. MUNNERUL ISLAM MADRASA COMMITTEE AND ANOTHER^[1], wherein the Apex Court, while considering the scope of the provisions under Section 83 of the Wakf Act, 1995 (for brevity "the

Act”), held that the suit against a tenant relating to wakf property is triable by the Civil Court.

4. Though it is pleaded by the learned counsel for petitioners/defendants that in view of the amendments made to Section 85 of the Act (as per amended Act 27 of 2013 with effect from 01.11.2013), even the disputes with regard to wakf property were also brought under the purview of the Wakf Tribunal, the said contention cannot be countenanced in view of the aforesaid judgment of the Apex Court.

5. Having regard to the reasons recorded by the Court below and in view of the judgment of the Apex Court in the case of FASEELA M. (supra), I do not find any merits in this revision warranting interference by this Court under Article 227 of the Constitution of India.

6. Accordingly, this civil revision petition is dismissed, at the admission stage. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH

REDDY
19.06.2015.
Msr

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[\[1\]](#) 2014 (4) ALD 81 (SC)