

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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C.R.P.NO.2544 OF 2015

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ORDER

Heard the counsel for the petitioner at the stage of admission.

2. Aggrieved by the order and decree dated 27.4.2015 passed by the court of Junior Civil Judge, Kaikaluru in I.A.No.114 of 2015 in O.S.No.4 of 2008 in rejecting the claim of the petitioner – 3rd party to come on record as plaintiff no.3 in the suit, the present revision is filed.

3. The dispute is with regard to mutawalliship of the plaint masjid. One Janab Mohammad Galib Sahib initially filed suit in O.S.No.301/1951 on the file of District Munisf, Gudivada and eventually by judgment in S.A.No.69 of 1958, this court held that he is entitled to be in possession and management of the plaint masjid unless some other member of the family opposes and the defendants therein were directed not to interfere. One Mohammad Ali, @ Muneer, claiming to be lineal descendant of Janab Mohammad Galib Saheb, filed the present suit in O.S.No.4 of 2008 seeking declaration that he is the Muttawalli of the plaint schedule masjid and for consequential injunction restraining the defendants 1 to 6 from interfering with possession and enjoyment of the plaint schedule property. During the pendency of the suit, the original plaintiff died and his legal representative was brought on record, as plaintiff No.2. Now, the present petitioner, claiming that he is son of one Mahammad Tajmal Hussain, and that his father Mohammad Tazmul Hussain and Janam Mohammad Galib Sahib, who is the appellant / plaintiff in S.A.No.69/1958, in whose favour Muttawalliship was recognized, are sons of brothers and that they belong to one ancestors and further alleging that as the plaintiff No.2 colluded with defendants 2 to 6 and acting against the observations of the judgment of this court in S.A.No.69 of 1958, sought to come on record as plaintiff.

4. Though the petitioner, who is the third party, made claim that Janab Mohammad Galib Saheb, is his ancestor, failed to produce any evidence in that regard and he only filed a copy of his Aadhar card and further also failed to establish his right to come on record to contest the suit litigation. As the

petitioner failed to establish his interest over the suit litigation and also his relation with Janab Mohammad Galib Saheb, the trial court rightly rejected the claim of the petitioner and having regard to the facts and circumstances of the case, I do not find any reason to interfere with the impugned order and the revision petition is liable to be dismissed and accordingly dismissed at the state of admission. No costs.

5. Miscellaneous petitions pending if any shall stand closed.

03—07—2015

AVS