

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.03.2016

CORAM

THE HONOURABLE Mr. JUSTICE P.R.SHIVAKUMAR

C.R.P.[PD] No.4070 of 2013 and C.R.P.[PD] No.4076 of 2013
and
M.P.No.1 of 2013

C.R.P.[PD] No.4070 of 2013

Haji A.B.Thameem Ansari Sahib

... Petitioner

Vs

1.M/s.Nagore Dargah
Rep by its Managing Trustee,
Nagore.

2.Advisory Committee, Nagore Dargah,
Rep. by its President,
Nagore.

3.Haji S.A.Shaik Hassan Sahib

4.Haji S.Sultan Bawa Sahib

5.Haji Muhalli H.Haja Vajjur Fakkir Sahib

6.N.S.Syed Abdul Fathah Sahib

7.M.S.Mohammed Bakker Sahib

8.S.M.P.Sultan Kabir Sahib

9.Haji K.M.Masthan Kalifa Sahib

10.H.N.Syed Haja Mohideen Sahib

11.The Manager, Nagore Dargah,
Nagore.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India to direct the Scheme Court/District Court, Nagapattinam to decide the I.A.No.889 of 2012 in eitherway within a period of one month as otherwise the interest of the Dargah will be greatly prejudiced.

For Petitioner : Mr.S.Thirumavalavan

For 1st Respondent : Mr.R.Subramanian

C.R.P.[PD] No.4076 of 2013

1.The Managing Trustee,
Nagore Dargah, Nagore.

2.Haji S.A.Shaik Hassan Sahib

... Petitioners

Vs

1.Haji A.H.Hatheeb Sahib

2.The President,
Advisory Board,
Nagore Dargah,
Nagore.

... Respondents

Civil Revision Petition filed under Section 115 of C.P.C. against the fair and decretal order dated 25.09.2013 made in I.A.No.1010 of 2013 in I.A.No.415 of 2012 in O.S.No.30 of 1946 on the file of the District Court, Nagapattinam.

For Petitioners : Mr.R.Subramanian

For 2nd Respondent : Mr.M.Mohamed Rafi

COMMON ORDER

C.R.P.(PD) No.4070/2013 has been filed by Haji A.B.Thameem Ansari Sahib praying for an order to fix a time limit within which I.A.No.889/2012 in O.S.No.30 of 1946 pending on the file of the lower court should be disposed of. C.R.P.(PD) No.4076/2013 has been filed by the Managing Trustee, Nagore Dargah, Nagore and another challenging the order of the trial court dated 25.09.2013 dismissing I.A.No.1010/2013 filed under Order VII Rule 11 CPC for the rejection of application in I.A.No.415/2012 in O.S.No.30 of 1946 on the file of District Court, Nagapattinam.

2. The learned counsel for the petitioner in C.R.P.(PD) No.4070 of 2013 submits that the petitioner has been advised to withdraw the civil revision petition and hence C.R.P.(PD) No.4070/2013 be dismissed as withdrawn.

3. Similarly, Mr.R.Subramanian, learned counsel for the petitioners in C.R.P.(PD) No.4076/2013 submits that the petitioners therein have been advised, according to which they have instructed the counsel to withdraw C.R.P.(PD) No.4076 of 2013. Endorsements to the said effect have been made by the counsel for the petitioners in both the civil revision petitions.

4. The endorsements are recorded. C.R.P.(PD) No.4070/2013 is dismissed as withdrawn. C.R.P.(PD) No.4076/2013 is also dismissed as withdrawn and the order of the trial court dated 25.09.2013 dismissing I.A.No.1010/2013 in I.A.No.415/2012 in O.S.No.30 of 1946 shall stand confirmed without prejudice to the right of the petitioners in C.R.P.(PD) No.4076/2013. However, there shall be no order as to cost. Consequently, the connected miscellaneous petition is closed.

11.03.2016

gya

To
The District Judge,
Nagapattinam.

P.R.SHIVAKUMAR, J.

gya

C.R.P.[PD] No.4070 of 2013
and
C.R.P.[PD] No.4076 of 2013

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