

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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C.R.P.NO.693 OF 2016

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ORDER

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

2. The petitioners are defendants 1,2,5,6,8,9,16, 17, 21, 22, 23, 24 and 28 in the suit filed by the respondents/plaintiffs. Aggrieved by the order and decree dated 7.12.2015 passed by the Andhra Pradesh State Wakf Tribunal, Hyderabad in I.A.No.746/2013 in O.S.No.134/2012 in rejecting the petition filed by the defendants under Order 7, Rule 11(a) and (d) of C.P.C., the present revision is filed.

3. The suit schedule property is the entire premises bearing Municipal No.757 (old) New No.22-8-361, 361/1 to 10, situated at Darulshifa, Hyderabad, more specifically described in the plaint schedule.

4. The respondents are alleged to be sub-tenants of Anjuman-e Moin UI Akhwaan Asafia, which is the original tenant of the suit schedule property. The plaintiffs claiming that the suit schedule property is wakf property, filed the suit for declaration and recovery of possession and for ascertainment and recovery of mesne profits and for mandatory perpetual injunction. The defendants filed the present I.A. to reject the plaint on the ground that the property is not wakf property and petitioner Society exists and in view of the Co-operative Societies Act, the relief sought for is barred and with these averments and contending that there is no cause of action, sought to reject the plaint.

5. The plaintiffs/respondents filed counter affidavit and the Tribunal dismissed the I.A by the impugned order and challenging the same, the present revision is filed.

6. From a perusal of the impugned order and the material on record, it could be seen that the claim of the plaintiffs is that the suit schedule property is wakf property and it was leased to Anjuman – e Moin UI Akhwaan Asafia, which is the society and as the society ceased to exist due to non-

compliance of statutory provisions as well as orders and directions of various courts and also committed default in payment of rents, filed the suit for declaration and recovery and for mesne profits. On the other hand, the claim of the defendant is that the society exists and the property is not wakf property and that the dispute relates to society. All these are disputed questions, which are required to be gone into during trial and that the trial court found that there is absolutely no dispute in regard to the members of society and any matters relating to the society. Considering the facts and circumstances, the trial court by a reasoned order, held that the petitioners herein who are the defendants, failed to establish that the plaint averments do not disclose the cause of action and that the suit is barred by any law much less the Societies Act. Hence, I do not find any merit in the revision and the same is dismissed at the stage of admission. No costs.

7. Miscellaneous petitions pending if any, shall stand closed.

AVS

14—03—2016