

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.1836 OF 2017

ORDER:

This civil revision petition is filed under Section 115 of CPC read with Section 83(9) of the Wakf Act, 1995, challenging the order dated 20.3.2017 in O.A. No.56 of 2013 on the file of the Court of the Andhra Pradesh State Wakf Tribunal at Hyderabad.

2. The learned counsel for the petitioner submitted that the Tribunal passed the impugned order, without hearing the arguments on behalf of the petitioner, who is respondent No.2 in the O.A. The learned counsel for the respondent No.1, in all fairness, admitted that the petitioner did not advance the arguments before the Tribunal. For one reason or the other, the learned counsel for the petitioner also did not submit written arguments before the Tribunal. Therefore, even if an opportunity is given to advance arguments on behalf of the petitioner before the Tribunal, no prejudice would be caused to respondent No.1.

3. In view of the submissions made by learned counsel for both the parties, this court is not inclined to go into the merits of the main case. This is a fit case to remand the matter to the Tribunal to decide the O.A., afresh after giving an opportunity to the petitioner to put-forth his stand.

4. In the result, the civil revision petition is allowed, setting aside the order dated 20.3.2017 in O.A. No.56 of 2013 on the file of the Andhra Pradesh State Wakf Tribunal at Hyderabad. The Tribunal is directed to pass orders on the O.A., afresh, after giving reasonable opportunity to the petitioner to advance arguments.

This exercise may be completed as expeditiously as possible, preferably, on or before 30.8.2017. Miscellaneous petitions if any pending in this petition shall stand closed.

T.SUNIL CHOWDARY, J.

Date: 20.4.2017
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