

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.2307 of 2017

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed challenging the Docket Order dt.08.02.2017 in O.S.No.21 of 2016 passed by the Telangana State Wakf Tribunal, Hyderabad, whereby the Tribunal directed the plaintiffs to lead evidence as the initial onus of proof is on the plaintiffs since the plaintiffs claimed that they are in lawful possession and enjoyment of the suit schedule property i.e., A,B,C, Bunks bearing No. 17-3-183, Shop No.7 NS 17-3-180 part of graveyard and Masjid-e-Qutub Shahi Masjid-e-Farooq-e-Azam and sought for perpetual injunction.

The main contention of the petitioners before this Court is that the defendants have to lead evidence initially and thereafter, the plaintiffs are entitled to adduce evidence.

Admittedly, the suit was filed for injunction simplicitor and in normal course, the onus of proof is on the plaintiffs, who approached the Court. According to Order 18 Rule 1 CPC, the plaintiff has the right to begin unless the defendant admits the facts alleged by the plaintiff and contends that either in point of law or on some additional

facts alleged by the defendant, the plaintiff is not entitled to any part of the relief which he seeks, in which case, the defendant has the right to begin.

Here, in this case, the initial onus of proof is lies on the plaintiffs since the defendants did not admit any part of the relief or any plea raised by the plaintiffs. Therefore, the initial onus of proof is on the plaintiffs alone. In such a case, the Order passed by the Tribunal dt. 08.02.2017 does not call for any interference of this Court as it is strictly in accordance with Order 18 Rule 1 CPC and as I find no merits to modify or set aside the order passed by the Tribunal, this Petition is liable to be dismissed.

Accordingly, this Civil Revision Petition is dismissed.

As a sequel, miscellaneous petitions, if any, pending in this case, shall stand closed.

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M. SATYANARAYANA MURTHY, J

Date: 27-06-2017.

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Dt. 27-06-2017

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