

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 14.06.2018****CORAM****THE HONOURABLE MR.JUSTICE M.V. MURALIDARAN**

C.R.P (MD) (PD) .No.776 of 2015

and

MP (MD) .No. 1 of 2015

WEB COPY

1. Mohammed Eliyas
2. Mohideen Abdul Kadhar ... Petitioners/Petitioners/Defendants
Vs.
Noor Mohammed ... Respondent/Respondent/Plaintiff

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated, 04.02.2014 passed in I.A.No.914 of 2013 in O.S.No.483 of 2010, on the file of the Principal District Munsif, Thirunelveli by allowing this Civil Revision Petition.

For Petitioners ... Mr.V. Meenakshisundaram
For respondent ... Mr.H. Arumugam

ORDER

The petitioners have filed the present Civil Revision Petition invoking Article 227 of the Constitution of India praying to set aside the fair and decreetal order dated, 04.02.2014 passed in I.A.No.914 of 2013 in O.S.No.483 of 2010 on the file of the learned Principal District Munsif, Thirunelveli.

2. The revision petitioners are the defendants in the Suit in O.S.No. 483 of 2010, filed by the respondent, plaintiff, before the Principal District Munsif, Thirunelveli, seeking for the relief of declaration and permanent injunction. They have filed an application in I.A.No. 914 of 2013, for rejecting the Suit under Order 7 Rule 11(d) and 151 CPC., on the ground that the Civil Court viz., Principal District Munsif, Thirunelveli, is not having jurisdiction to entertain the Wakf Board property. But, without considering the same, the learned Judge by order dated, 04.02.2014 dismissed the application in I.A.No. 914 of 2013. Challenging the said order, the petitioners herein have filed the present Civil Revision Petition.

3. The learned counsel appearing for the respondent, plaintiff fairly conceded before this Court that the suit should be rejected on the ground that the Civil Court has no jurisdiction, since the property is a Wakf Board property. Further, the learned counsel for the respondent seeks indulgence of this Court that the respondent / plaintiff may be permitted either to transfer the suit or to file a fresh suit on the same



cause of action, before the Wakf Tribunal. The learned counsel appearing for the petitioners also accepted the same.

4. In view of the submissions made by the learned counsel appearing on either side, this Civil Revision Petition is allowed by setting aside the order dated, 04.02.2014 passed in I.A.No.914 of 2013 in O.S.No.483 of 2010, on the file of the Principal District Munsif, Thirunelveli. No costs. Consequently, the connected Miscellaneous Petition is closed.

5. The respondent / plaintiff is given liberty to file an appropriate suit before the Wakf Tribunal, within a period of four weeks from the date of receipt of a copy of this order on the same cause of action.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

The Principal District Munsif, Thirunelveli.

+1cc to Mr.D.Nallathambi, Advocate Sr.No.68407

+1cc to Mr.H.Arumugam, Advocate Sr.No.68501

TRP

VB/SV/MMS/SAR4/02.07.2018/2P/4C

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