



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) Nos.1508 and 1534 of 2018

and

C.M.P. (MD) .No.6693 of 2018

In C.R.P. (MD) .No.1508 of 2018:

Tamilnadu State Transport Corporation
(Tirunelveli) Ltd.,
Tirunelveli,
Rep. by its Managing Director,
No.19, Trivandrum Road,
Vannarpet Post,
Tirunelveli - 627 003.

.. Petitioner/Petitioner/Petitioner
Judgment Debtor/1st Defendant

vs.

Like Ali, Muthavalli

.. Respondent / Respondent/
Respondent / Decree Holder/ Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order dated 13.02.2018 passed in E.A.No.46 of 2018 in E.A.No.294 of 2017 in E.P.No.102 of 2017 in O.S.No.27 of 2003 on the file of the learned Principal Subordinate Judge, Tirunelveli as the same is without jurisdiction.

In C.R.P. (MD) .No.1534 of 2018:

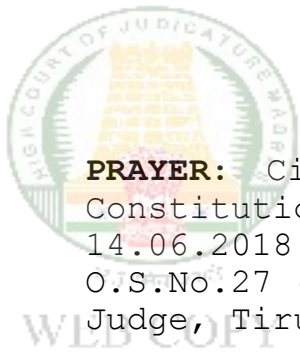
Tamilnadu State Transport Corporation
(Tirunelveli) Ltd.,
Tirunelveli,
Rep. by its Managing Director,
No.19, Trivandrum Road,
Vannarpet Post,
Tirunelveli - 627 003.

.. Petitioner/Petitioner/
Judgment Debtor/Defendant

vs.

<https://hservices.ecourts.gov.in/hservices/>
Like Ali, Muthavalli

.. Respondent / Respondent/
Decree Holder/ Plaintiff



PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order dated 14.06.2018 passed in E.A.No.294 of 2017 in E.P.No.102 of 2017 in O.S.No.27 of 2003 on the file of the learned Principal Subordinate Judge, Tirunelveli as the same is without jurisdiction.

In both petitions:

For Petitioner : Mr.Ananth C.Rajesh
for M/s.V.Sasitharan
For Respondent : Mr.V.Meenakshi Sundaram
for M/s.D.Nallathambi

COMMON ORDER

The revision petitioner was the sole defendant in O.S.No.27 of 2003 instituted by the respondent herein before the Wakf Tribunal, Tirunelveli. The said suit was decreed on 29.07.2004. The revision petitioner filed statutory revision before this Court in CRP.(MD)No.740 of 2005. The same was dismissed on 29.04.2016. Thereafter, E.P.No.102 of 2017 was filed by the respondent herein. In the said EP, the revision petitioner took out two execution applications. The revision petitioner questioned the competence of the Wakf Tribunal to execute the decree in respect of the property that falls within the territorial jurisdiction of another Civil Court. Likewise, the competence of the Tribunal to pass an order of eviction was also challenged. Both the EAs were dismissed by order dated 13.02.2018 and 14.06.2018. The said orders are challenged in these two civil revision petitions.

2. Heard the learned counsel appearing for the revision petitioner, who reiterated the contentions set out in the memo of grounds. He laid particular emphasis on Section 83 (8) of the Wakf Act, 1995. The said provision reads as under:

"83(8). The execution of any decision of the Tribunal shall be made by the civil court to which such decision is sent for execution in accordance with the provisions of the Code of Civil Procedure, 1908 (5 of 1908).

3. He therefore wanted this Court to set aside the orders impugned in these revisions. I am not able to agree with the submissions of the learned counsel for the revision petitioner. As rightly pointed out by the learned counsel for the respondent, the Wakf Tribunal is deemed to be a civil Court and shall have the same powers of execution of decree, in view of the powers conferred in terms of Section 83(5) of the Wakf Act, 1995. That apart as rightly pointed out by the learned counsel for the respondent, if the Wakf Tribunal has jurisdiction to adjudicate the subject matter on merits on the ground that it falls within the territorial jurisdiction, it has the competence to execute the decree also. In this case, it is



admitted that there is only one Wakf Tribunal for the entire Tirunelveli District. Of course, there are quite a few Sub Courts. The property in question falls within the territorial limits of the Sub Court, Valliyoor. But then, merely because of overlapping of territorial jurisdiction, one cannot say that the Wakf Tribunal will not have the power to execute a decree, in respect of the property, which falls within the territorial limits of the Sub Court, Valliyoor.

4. Likewise, the authority of the Wakf Tribunal to pass an order of eviction cannot also be questioned any further. The order passed by the Wakf Tribunal was challenged by filing a statutory revision before this Court. The statutory revision was dismissed. Therefore, the order passed by the Wakf Tribunal was affirmed in toto. Therefore, after the dismissal of the statutory civil revision petition filed by the revision petitioner herein, there cannot be a filing of any application under Section 47 of CPC.

5. Looked out from any angle, this Court is of the view that there is no merit in these civil revision petitions. Hence, these Civil Revision Petitions stand dismissed. No Costs. Consequently, connected miscellaneous petition is dismissed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Principal Subordinate Judge,
Tirunelveli.
2. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO Mr.V.SASITHARAN, ADVOCATE IN SR No. 78554
+ 1 CC TO Mr.D.NALLATHAMBI, ADVOCATE IN SR No. 78498

PJL
TE/SKN/SAR-2 : 04/09/2018 : 3P/6C

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