

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

C.R.P.No.5238 of 2017

ORDER:

This revision petition is filed under Article 227 of the Constitution of India assailing the order dated 08.09.2017 passed in I.A.No.279 of 2017 in O.S.No.38 of 2017 on the file of the Telangana State Wakf Tribunal.

2. Heard both the counsel.

3. A perusal of the record reveals that the petitioner filed O.S.No.38 of 2017 against the respondents on the file of the Telangana State Wakf Tribunal to declare that the suit schedule property is the wakf property; the gift deed dated 25.07.2015 as null and void; for recovery of possession and consequential perpetual injunction. During pendency of the suit, the petitioner filed I.A.No.279 of 2017 under Order 39 Rules 1 and 2 CPC restraining the respondents herein not to make any constructions in the suit schedule property. The Wakf Tribunal after affording a reasonable opportunity to both parties, dismissed the petition. Hence the revision.

4. During pendency of the revision, the respondents 1 and 2 filed affidavits stating that they will not claim any equities if ultimately the suit is decreed in favour of the plaintiff. Learned counsel for the petitioner verified the affidavits filed by respondents 1 and 2.

5. In view of the affidavits filed by respondents 1 and 2, the order dated 08.09.2017 in I.A.No.279 of 2017 in O.S.No.38 of 2017 on the file of the Telangana State Wakf Tribunal is hereby set aside. The respondents are permitted to make constructions subject to outcome of the suit. It is also made clear that respondents 1 and 2 are not entitled to claim any equities in the event of the suit being decreed in favour of the petitioner in view of the undertaking given by them.

6. Accordingly, the C.R.P. is disposed of. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

17th July 2018
Rns

T.SUNIL CHOWDARY, J

