

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE **R.PONGIAPPAN**

C.R.P.NPD.Nos. 2700, 2701 & 2702 of 2010

Kuttiammali Petitioner in
CRP.No.2700 of 2010

Gowra Bai Petitioner in
CRP.No.2701 of 2010

V.Ganesan Petitioner in
CRP.No.2702 of 2010

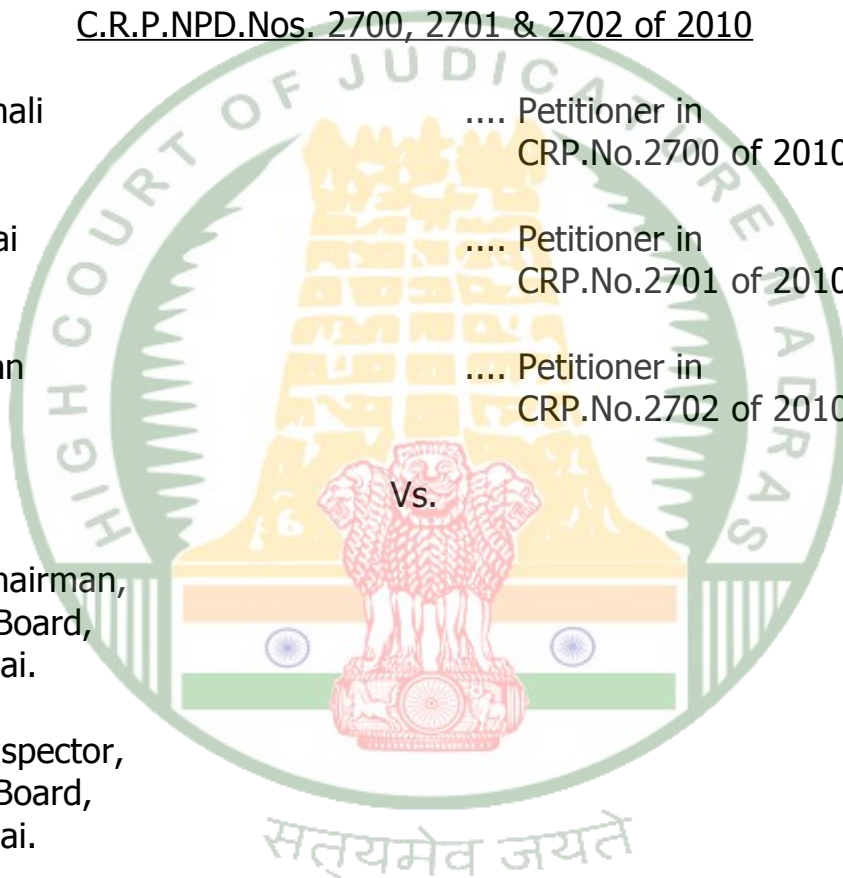
Vs.

1. The Chairman,
Wakf Board,
Chennai.

2. The Inspector,
Wakf Board,
Chennai.

3. Amjath Ali
S/o. Gubu Sahib,
Muthavalli,
Aavathvadi Sunnath Jamid,
Agram Village and Post,
Pochampalli Taluk,
Krishnagiri District.

4. The Tasildhar
Pochampalli Taluk,
Krishnagiri District.



5. The District Collector,
Krishnagiri.

.... Respondents in all CRPs

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of Constitution of India, to set aside the fair and decreetal orders dated 08.02.2010 made in I.A.Nos. 52, 53 & 54 of 2009 in unnumbered CMA, respectively, on the file of the Principal District Court, Krishnagiri.

For Petitioners
in all C.R.Ps. : Mr.T.Panchatsaram

For Respondent
in all C.R.Ps.

For R1 : Ms.C.Sivasankari

For Mr.S.Jaha Mohideen Gisthi

For R2 : No appearance

For R3 : Mr.G.Surya Narayanan

For R4&5 : Mr.N.Manikandan
Government Advocate.

COMMON ORDER

These Civil Revision Petitions have been filed against the orders dated 08.02.2010 made in I.A.Nos. 52, 53 & 54 of 2009 in unnumbered CMA, respectively, on the file of the Principal District Court, Krishnagiri.

2. Originally, the petitioner in all the Civil Revision Petitions filed suit in O.S.Nos. 221, 220 & 222 of 2001 respectively, before the

Subordinate Court, Krishnagiri, and the same were dismissed for default by an order dated 02.06.2006. Against the dismissal order, all the petitioners filed applications under Order 9 Rule 9 r/w. 151 C.P.C., in I.A.Nos.300, 299 & 301 of 2006 respectively, before the learned Subordinate Judge, Krishnagiri, and the same were dismissed by an order dated 29.09.2006, on merits. As against said dismissal order dated 29.09.2006, the petitioners proposed to prefer Civil Miscellaneous Appeals before the learned Principal District Judge, Krishnagiri and filed the above referred Interlocutory Applications in I.A.Nos.52, 53 & 54 of 2009, respectively, to condone the delay of 965 days in filing the appeals.

3. The learned Principal District Judge, Krishnagiri, after affording the opportunities to the respondents herein, by an order dated 08.02.2010, dismissed the above said applications, by observing that the Principal District Court, Krishnagiri, is not having any jurisdiction to entertain the Civil Miscellaneous Appeal. Further it is observed that the order passed by the Subordinate Court, Krishnagiri, comes under the purview of Section 83 of Indian Wakf Act. Challenging the said order dated 08.02.2010, the petitioner in all the revision

petitions are before this Court to set aside the impugned order.

4. Today when these petitions are taken up for hearing, the learned counsel appearing for the petitioner in all the revision petitions is present and made a submission that the petitioners being the illiterates, without choosing the correct Forum, they filed the applications before the learned Principal District Judge, Krishnagiri. Accordingly, he concedes the mistake committed by the petitioner in all the petitions.

5. In fact, against the order passed in the application filed under Order 9 Rule 9 of C.P.C., the appeal cannot be maintained. Civil Revision Petition is alone maintainable before this Court. Instead of filing Civil Revision Petition before this Court, the petitioners approached the Principal District Court, Krishnagiri, and filed the applications to condone the delay in preferring the Civil Miscellaneous Appeals.

6. However this Court cannot be said that the petitioners alone are responsible for the said lapses and this Court feels that the petitioners were not guided properly, in this aspect. Since there was a long delay, it is open to the petitioners to file the Civil Revision Petition

before this Court, in otherwise, the same has to be decided only on merits.

7. More than that, the learned Principal District Judge, Krishnagiri, while disposing the applications filed by the petitioners, has rightly observed that the Subordinate Court, Krishnagiri is a Wakf Tribunal and the order passed by the Tribunal comes within the purview of Section 83 of Indian Wakf Act. Therefore, in all aspects, the Civil Revision Petitions filed by the petitioners are not having any merits and accordingly, the order dated 08.02.2010 made in I.A.Nos. 52, 53 & 54 of 2009 in unnumbered CMA, respectively, by the Principal District Court, Krishnagiri, is hereby confirmed.

8. In the result, all the Civil Revision Petitions are dismissed.

No costs.

सत्यमेव जयते

06.11.2019

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

rts

To

1. The Principal District Court,
Krishnagiri.

2. The Subordinate Court,

Krishnagiri.

3. The Chairman,
Wakf Board,
Chennai.

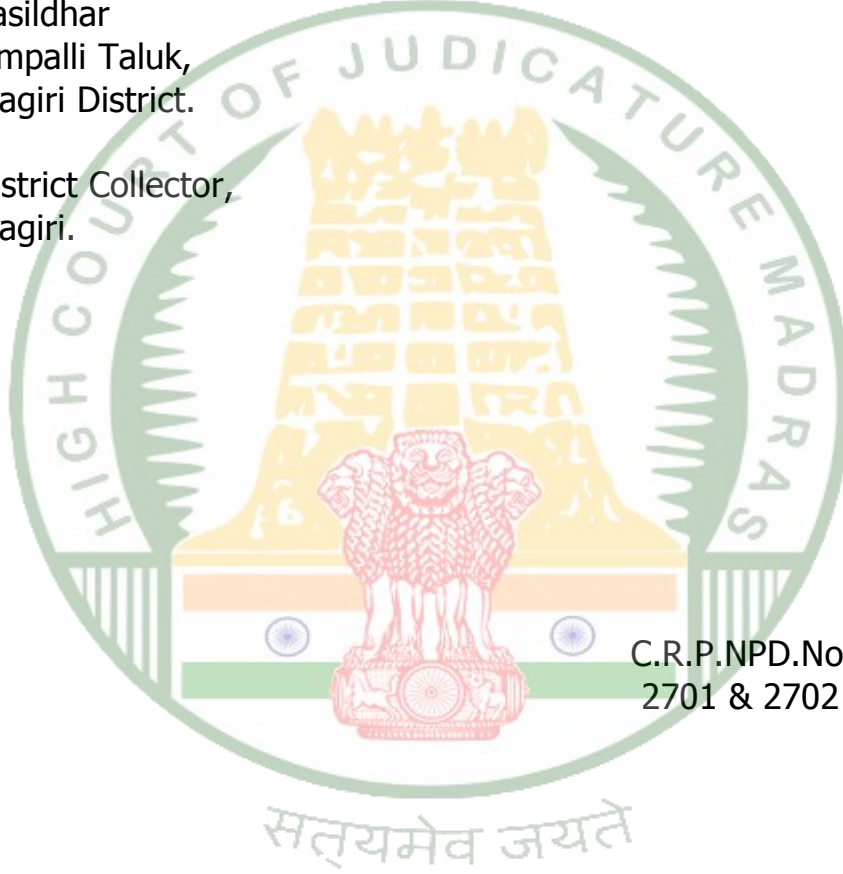


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R.PONGIAPPAN, J.

rts

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