

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

C.R.P.(PD)No.42 of 2004
and
C.M.P.No.492 of 2004

Mohideen Abdul Kadar Maraicaair Charities,
Rep. by its present Trustee Moothavalli,
Haji A.Hasan Abdul Kader.

.. Petitioner

Vs.

1. M.A.Ahmed Sarakathullah Maraicaair(died)
 2. Abdul Haleem Mariacair
 3. The Nagapattinam Municipality,
Rep. by its Commissioner, Kadampadi,
Nagapattinam Taluk & Munsif.
 4. Tamil Nadu Wakf Board, Rep. by
The Chief Executive Officer,
Santhome High Road, Chennai 600 004.
 5. A.Syed Sagarwan Nachiar
 6. A.Syed Abdul Kadar
 7. Habeebunisha
 8. Chitti Fathima Nachiar
 9. Yahood Peerthose
 10. Baheerudeen Ali Ahmed
 11. Kuraishia
 12. Basaria
- (R5 to R13 brought on record as LR's of the deceased
1st respondent vide court order, dated 12.07.2018
in CRP(PD) 42 of 2004

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order and decreetal order, dated 22.08.2003, made in W.O.P.No.4 of 2001, on the file of the Principal Subordinate Court, Nagapattinam.

For Petitioner : Mr.Bhagavath Krishnan
for Mr.Srinath Sridevan

For R1 to R3 and
R5 to R13 : No appearance

For R4 : Mr.Esakkiraja

O R D E R

This revision has been filed against the order and decreetal order, dated 22.08.2003, made in W.O.P.No.4 of 2001, on the file of the Principal Subordinate Court, Nagapattinam.

2. The matter pertains to two brothers claiming right over the trust properties. The main crux of the issue is as to whether the elder brother and younger brother has a right to seek for the property.

3. According to the learned counsel appearing for the Wakf Board the property belongs to the Wakf Board and that the original trustee who filed the suit is no more further his brother against whom he has sought for the relief, is also no more. Hence, nothing survives in the revision petition and hence it has becomes infructuous.

4. Accordingly, this Civil Revision Petition is dismissed as infructuous. No cost. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Subordinate Court, Nagapattinam.

Copy to:

The Section Officer, V.R.Section, Madras High Court.

+lcc to Mr.Mohammed fayaz Ali, Advocate sr.no.9441

CRP.(PD) No.42 of 2004
and
C.M.P.No.492 of 2004

nr 19/03/2019



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