



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Thursday, the Twentieth day of June Two Thousand and Nineteen

PRESENT

The Hon'ble Mr. Justice R. PONGIAPPAN

CMP(MD). Nos.713 and 714 of 2019

in

SA(MD). Nos.194 and 195 of 2005

1 Kottaipatti Chinna Pallivasal Muslim Jamath, Virudhunagar

Rep. By its M. Noorul Amin - President

2. M. Ahamed Basheer - Secretary

3. A. Pakeer Mohammed - Treasurer

4. N. Meera Mohideen - Member

5. S. Khaleel Rahman - Member

6. A. Syed Mohammed - Member

7. A. Ahamed Ibrahim

...Petitioners/Proposed Respondents 1 to 7 in both cases

Vs

1 Jeyachandran

2 Gurusamy

3 Ullashkumar

4 G. Santha

5 Mareeswari

6 S. Rameshlatcham

7 Subramaniam

8 Kalaiselvi

...Respondents No.1 to 8/Appellants in both cases

9 Kottaipatti Chinna Pallivasal Muslim Jamath, Virudhunagar

Rep. By its M. Noorul Amin - President

10 Janab S. Surshid Ahamed Fareek- Vice President

11 Janab A. Sathiq Ali - Secretary

12 Janab S. Abul Kalam Azad - Treasurer

13 Janab M. Hassan Mydeen - Member

14 Janab M. Wahid Ali - Member

15 Janab C. Abubacker Siddiq - Member

16 Janab P. Syed Mohammed - Member

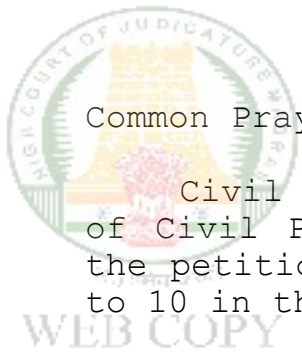
17 Janab K. Mohammed Anwardeen - Member

18 Virudhunagar Kottaipatti Chinna Pallivasal Muslim Jamath

Rep. By its Executive Officers

...Respondents No.9 to 18/

Respondents No.1 to 10 in both cases



Common Prayer in CMP(MD). Nos.713 and 714 of 2019 :-

Civil Miscellaneous Petitions are filed under Order 1 Rule 8(5) of Civil Procedure Code, praying this Hon'ble Court to substitute the petitioners as respondents 1 to 7 in the place of respondents 1 to 10 in the above second appeals.

Common Prayer in SA(MD).Nos.194 and 195 of 2005 :

Second Appeals are filed under section 100 of the Civil Procedure Code, praying this Hon'ble Court against the judgment and decree dated 29.07.2004 made in A.S.Nos.24 and 25 of 2002 on the file of the Additional District Court / Fast Track Court Virudhunagar, reversing the judgment and decree dated 27.10.1993 made in O.S.No.436 of 1988 and O.S.No.470 of 1989 on the file of the District Munsif Court, Sattur respectively.

ORDER:-

Civil Miscellaneous Petitions are coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.A.J.Taslim Arif, Advocate for the Petitioner and of Mr.R.Devaraj, Advocate For the Respondents No.1 and 8, this Court made the following order:

The petitioners are the proposed respondents 1 to 7 in S.A.Nos.194 and 195 of 2005. The proposed respondents filed these applications in the capacity of the Managing Committee appointed by the Tamil Nadu Wakf Board, seeking the relief to substitute the petitioners as respondents 1 to 7 in the place of respondents 1 to 10 in the above second appeal.

2.In earlier, the suit has been filed by the respondents 9 to 18 as against the respondents 1 to 8 and seeking the relief of recovery of possession by stating that those respondents are the tenants in the waqf property. Since the said appeal are ended against the respondents 1 to 8, they have filed this second appeal seeking the relief to set aside the judgment rendered by the Court below. Only in the said circumstances, these applications have been filed. In fact, in earlier the suit has been filed by Kottaipatti Chinnapallivasal Muslim Jamath, Virudhunagar, represented by its Managing Trustee and Secretary. The said particulars reveal that only the trustees of the Jamath filed a suit on behalf of the Jamath. So automatically, only the present trustees are the competent persons to proceed with the appeal. Only for the said purpose, the proposed respondents filed these petitions seeking the relief as above.

3.In the counter filed by the appellants/respondents 1 to 8, they have not stated anything about the prejudice caused if these applications are allowed. In otherwise, in the counter, they are



ends of justice and for better adjudication, these petitions are allowed.

4. Registry is directed to carry out the necessary amendments in the cause title.

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Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

+2cc to Mr.A.J.Taslim Arif, Advocat, SR 4457 & 4458

ORDER DATED : 20/06/2019

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C D PURPOSE
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CMP(MD). Nos.713 and 714 of 2019
in
SA(MD).No.194 and 195 of 2005

Giving direction and etc.
as stated within.

NS (CO)

TR(11.09.2020) 3P 3C