



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Civil Appellate Jurisdiction )

Thursday, the First day of August Two Thousand Nineteen

PRESENT

**The Hon`ble Mrs.Justice J.NISHA BANU**

**CMP(MD) No.6612 of 2019**

**in**

**CRP(MD)No.SR5056 of 2019**

1 FATHIMA GANI  
2 S.M.A.HAZINA JOHN @ S.M.A.HAZINA BANU  
3 S.M.A.NAZINA BANU ... PETITIONERS/PETITIONERS

Vs

1 HASARATH SAYED SHAW MIAN SAKKAB,  
SAHIB KATHIR THAIKKAL WAKF,  
REP BY ITS JUNIOR TRUSTEE,  
SAYAD WAJHAN NAHI SAKKAB,  
KONDIRAJAPALAYAM,  
EAST MAIN STREET,  
THANJAVUR.  
2 THE SUPERINTENDENT  
TAMILNADU WAKF BOARD,  
NO.27, NEETHI NAGAR COURT ROAD,  
(NEAR BY STATE MEDICAL SHOP),  
THANJAVUR. ... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Set aside the order passed by this Honourable Court in CMP.No.1366 of 2019 in CRP(NPD) SR.No.5056/2019 that was dismissed by default on 12.06.2019 and restore the same.

**PRAYER in CRP(NPD) SR.No.5056/2019 :**

To allow the Civil Revision Petition by quashing the proceedings in E.P.No.29 of 2012 in W.O.P.No.11 of 1999 on the file of Principal Subordinate Judge cum Wakf Tribunal, Thanjavur on the ground of declared, void under section 90(1)(3) of Wakf Act 1995 and thus render justice.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.BALASUBRAMANIAN, Advocate for the petitioner,



the court made the following order:-

This petition has been filed by the petitioner seeking to set aside the order dated 12.06.2019 in C.M.P.(MD).No.1366 of 2019 in C.R.P.(MD).No.SR5056 of 2019, whereby and whereunder this Court dismissed the above petition for default and consequently rejected the revision petition.

2.Considering the reasons stated in the affidavit filed in support of the petition and also the length of delay, this Court is inclined to allow this petition subject to the payment of cost of Rs.500/- (Rupees five hundred only) to the Legal Services Committee, attached to this Bench, within a period of two weeks from the date of receipt of copy of this order, failing which this petition shall stand dismissed automatically without any further reference to this Court.

3.This petition is accordingly ordered.

4. In the event of payment of cost, the Registry is directed to restore the petition and list the same in the usual course.

sd/-  
01/08/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

THE PRINCIPAL SUBORDINATE JUDGE CUM WAKF TRIBUNAL,  
THANJAVUR

COPY TO : 1.THE OFFICER INCHARGE, LEGAL AID SERVICE AUTHORITY,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2.THE SECTION OFFICER, JUDICIAL SECTION,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CMP(MD) No.6612 of 2019  
in  
CRP(MD)No.SR5056 of 2019  
Date :01/08/2019

GCG  
PK/PN/SAR-4/07.08.2019 : 2P/4C