

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.No. 618 of 2018
and
C.M.P.No. 3224 of 2018

H.Syed Ahmed ...Petitioner/Petitioner/
Defendant

Vs.

Syed Mynuddin ..Respondent/Respondent/
Plaintiff

Prayer: Civil Revision Petitions filed under Article 227 of the Constitution of India, against the order passed in I.A.No. 442 of 2015 in O.S.No. 39 of 2015 dated 08.09.2017 on the file of the District Munsif Court at Gudiyatham, Vellore District.

For Petitioner : Mr.K.Mohanamurali

For Respondent : Mr.K.Govi Ganesan for
Mr.M.Marudhachalam

O R D E R

This revision has been filed against the order of the learned District Munsif, Gudiyatham made in I.A.No.442 of 2015, dismissing the application for stay of the suit in O.S.No. 39 of 2015 on the ground, two other suits are pending on the file of the Waqf Tribunal, Vellore in O.S.Nos. 287 & 198 of 2012.

2. The suit in O.S.No.198 of 2012 is filed by the 38th defendant in O.S.No.287 of 2012 for permanent injunction restraining the defendants therein from disturbing his possession and enjoyment of the suit property by evicting him except under due process of law. The suit in O.S.No. 287 of 2012 is filed by the Waqf seeking disconnection of the electricity supply given to the properties in occupation of the 38th defendant and other defendants in the said suit.

3. Both the suits, which were filed before the respective Civil Courts now has been transferred to Waqf Tribunal and pending on the file of the Waqf Tribunal at Chennai. In the

interregnum, the plaintiff in O.S.No.287 of 2012 had filed O.S.No.39 of 2015 seeking recovery of possession from the 38th defendant in O.S.No.287 of 2012. The defendant in O.S.No.39 of 2015 filed an application under Section 10 of C.P.C., seeking stay of the said suit on the ground that the earlier suits are pending. The said application has been dismissed by the Trial Court concluding that the reliefs sought for in the suits are different and therefore, there cannot be a stay under Section 10 of C.P.C. Aggrieved, the defendant in O.S.No.39 of 2015 has come up with this revision.

4. Heard Mr.K.Mohanamurali, learned counsel for the petitioner and Mr.K.Govi Ganesan for Mr.M.Marudhachalam, learned counsel for the respondent.

5. It is not in dispute that the suit properties are private Waqf properties and other related suits namely, O.S.Nos. 287 & 198 of 2012 have already been transferred to the Waqf Tribunal. Therefore, the suit in O.S.No. 39 of 2015 will also has go before the Waqf Tribunal. Since now the Waqf Tribunal has been constituted. The learned counsel appearing for the parties also do not have objection for transfer of O.S.No.39 of 2015 to the Waqf Tribunal to be heard and disposed of along with O.S.Nos. 287 & 198 of 2012.

6. Recording the submission of the learned counsel for the parties, while dismissing the civil revision petition, the suit in O.S.No.39 of 2015 is withdrawn and transferred to the file of Waqf Tribunal, Chennai to be heard and disposed of along with O.S.Nos. 287 & 198 of 2012.

7. Considering the fact that the other suits are pending for more than eight years, the Waqf Tribunal is directed to dispose of all the suits within a period of eight months from the date of resumption of physical hearings in the Courts at Chennai.

8. This civil revision petition is disposed of with the above direction. Consequently, connected miscellaneous petition is closed. No costs.

WEB COPY

Sd/-
Assistant Registrar
//True Copy//

Sub Assistant Registrar

kkn

To:

1.The District Munsif Court at Gudiyatham,
Vellore District.

2.The Wakf Tribunal, Chennai.

+lcc to Mr.K.Mohanamurali, Advocate, sr no.30553
+lcc to M.Marudhachalam, Advocate, sr no.30422

C.R.P.No. 618 of 2018
and
C.M.P.No. 3224 of 2018

RSK (CO)
RMP (15/10/2020)



WEB COPY