



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2020

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THE HON'BLE MR.JUSTICE R.MAHADEVAN

C.R.P(PD) (MD)No.1018 of 2009

and

M.P(MD) .No.1 of 2009

1. A.Rajamohammed
2. Packir Mohammed

... Petitioners /
Respondents 2 & 4/
Defendants 2 & 4

Vs.

1. Chandrahasan
2. K.Vanaroja
3. V.Neelavani
4. S.Vijayalakshmi
5. V.Vilvamani
6. J.Saranya

... Respondents 2 to 6/Petitioners/
LRs of deceased Sole Plaintiff

7. Mohammed Farooq
8. A.Mohammed Ali
9. Sri Panjanathikaraiswara Swamy Devasthanam,
Rep. by its Hereditary Trustee,
Thiruvaiyaru, Tharmapuram,
Myladudurai Taluk,
Thanjavur District - 609 001.

10. Sreenivasa Perumal Kovil Devasthanam,
Rep. by its Trustee,
Kalyanapuram Aharaharam,
Kalyanapuram Post,
Thiruvaiyaru Taluk,
Thanjavur District.

.... Respondents 7 to 10/
Respondents 1,3,5&6/
Defendants 1,3,5 & 6

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 24.04.2009, passed in I.A.No.255 of 2007 in W.O.P.No.2 of 1998, on the file of Wakf Tribunal (Principal Sub-Court) at Thanjavur, within the period as stipulated by this Court.



For Petitioners: Mr.Mohammed Ibram Saibu

For Respondents: Mr.G.Karnan for R1

No Appearance for R2,R3,R5,R9 & R10
R4, R6 and R8 dismissed vide
order dated 13.07.2018.

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O R D E R

This Civil Revision Petition has been filed by the petitioners, to set aside the order passed in I.A.No.255 of 2007 in W.O.P.No.2 of 1998, on the file of Wakf Tribunal (Principal Sub-Court), Thanjavur, dated 24.04.2009.

2. The revision petitioners are the defendants and the respondents 1 to 6 herein, are the legal heirs of deceased plaintiff in the suit in O.S.No.257 of 1993.

3. The deceased plaintiff filed a suit in O.S.No.257 of 1993, on the file of the Sub-Court, Thanjavur, seeking the reliefs of declaration and mandatory injunction directing the defendants therein, to demolish the illegally constructed building in the suit property. Since the plaintiff died, an impleading petition in I.A.No.255 of 2007 in W.O.P.No.2 of 1998, has been filed on the file of Wakf Tribunal (Principal Sub-Court), Thanjavur, to implead the legal representatives of the deceased plaintiff.

4. The Principal Sub-Court, Thanjavur, allowed the said application. Against which, the present Civil Revision Petition has been filed.

5. Heard the learned Counsel appearing for the petitioners and the learned Counsel appearing for the first respondent.

6. It is seen that, despite several opportunities, the revision petitioners have not taken any step to serve notice to the respondents. Further, the petition to bring the legal heirs on record was allowed by the lower Court on payment of cost. Considering the paucity of time and also on merits, this Court is not inclined to interfere with the said order.

7. Considering the facts and circumstances, this Court finds it appropriate to direct the trial Court to dispose of the suit in O.S.No.257 of 1993 expeditiously, so as to render substantial justice to all the parties on merits and in accordance with law, after affording an opportunity of hearing to all the parties, preferably within a period of six months, from the date of receipt of a copy of this order.



8. Accordingly, this Civil Revision Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Principal Subordinate Judge,
(Wakf Tribunal),
Thanjavur.

Copy to:

The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court, Madurai.(2 Copies)

C.R.P (MD)No.1018 of 2009

30.11.2020

PK (CO)

NR (11/12/2020) 3P : 4C