

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.No.1022 of 2018

and

CMP.No.5423 of 2018

Adyar Baithulmal,
Regd Society Bearing Regn No.566/07,
Rep. by its Secretary,
K.A.Mohideen Meera

...Petitioner

Vs.

- 1.S.Mohammed Kamil
- 2.R.Akhtar Ansari
- 3.K.Hussain Wahab
- 4.M.Dulkarnai
- 5.Khursani Peer Dargah and Mosque,
Managing Committee,
Rep. by M.A.Wasiem
- 6.Meeran Mohideen
- 7.Mohammed Yusuf
- 8.M.Mohideen
- 9.Mohammed Ali
- 10.Abdul Khader
- 11.Mohammed Yunus Sait
- 12.Mohammed Ilias
- 13.R.Akthar Hansari
- 14.Tamil Nadu Wakf Board,
Rep.by its Chief Executive Officer,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai-1

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 21.02.2018 passed in IA.No.11033 of 2016 in OS.No.281 of 2012 on the file of the XI Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.N.A.Nissar Ahmed

For Respondents

For R14 : Mrs.R.Sripriya
for Mr.V.Lakshminarayanan

R1 to 13 : No appearance

ORDER

This Civil Revision Petition is filed against the fair and decretal order dated 21.02.2018 passed in IA.No.11033 of 2016 in OS.No.281 of 2012 on the file of the XI Assistant Judge, City Civil Court, Chennai, thereby allowing the petition to implead the 14th respondent as party to the suit.

सत्यमेव जयते

2. The petitioner is the plaintiff and the respondents are the defendants. The petitioner filed suit for bare injunction in respect of the suit property. While pending the suit, the respondents 1 to 4 herein filed petition to implead the 14th respondent herein as party to the suit. The petitioner filed detailed counter and the 14th respondent

herein made endorsement to the effect that they have no objection. Recording the said endorsement, the court below allowed the petition without considering the counter filed by the petitioner herein. Therefore it is liable to be set aside.

3. Accordingly, this civil revision petition is allowed and the order dated 21.02.2018 passed in IA.No.11033 of 2016 in OS.No.281 of 2012 on the file of the XI Assistant Judge, City Civil Court, Chennai is set aside. The application in IA.No.11033 of 2016 in OS.No.281 of 2012 is remanded back to the trial court for fresh disposal. The court below is directed to consider the counter filed by the petitioner and decide the application on merits and in accordance with law within a period of four weeks from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed. No order as to costs.

सत्यमेव जयते

29.07.2021

Speaking/Non-speaking order

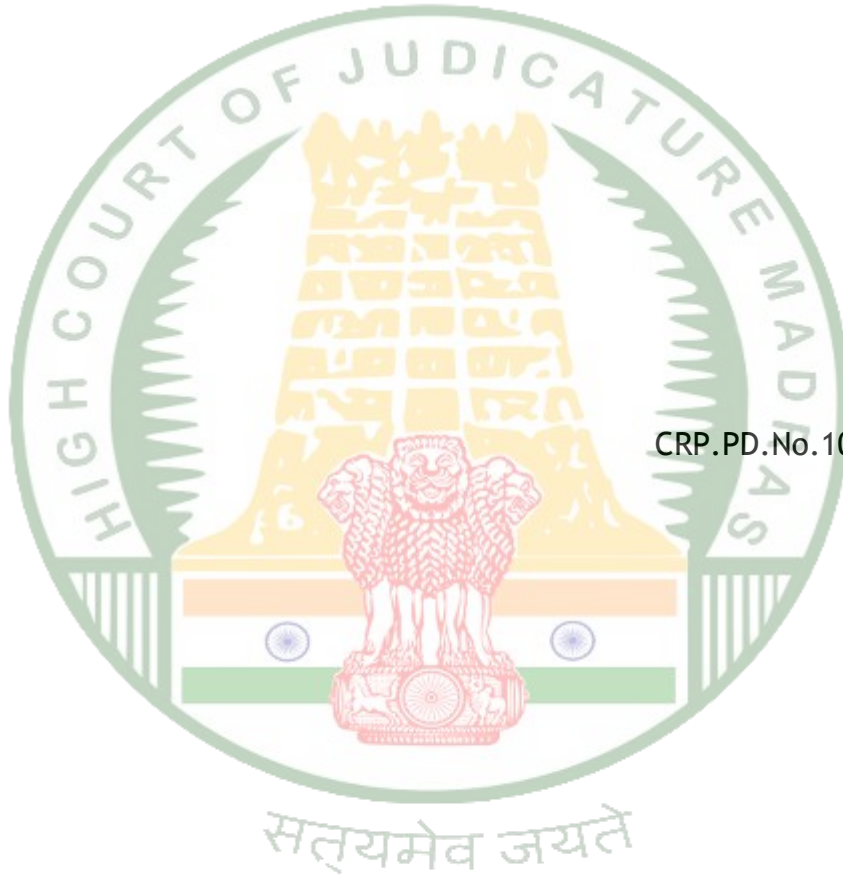
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To
The XI Assistant Judge,
City Civil Court, Chennai.

G.K.ILANTHIRAIYAN,J.

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