

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2021

CORAM :

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

C.R.P (PD).No.2793 of 2018

Miladhur Rasool Musdhafa Sal Trust,
Koothanallur, Represented by its Trustee,
1.Turn Trustee, A.Raziya Begum,
W/o.Mohammed Sulaiman,
No.73, Mela Street,
Koothanallur,
Needamangalam Munsifi and Vattam,
Tiruvarur District.

2.Turn Trustee, N.A.Mohammed Raffiq,
S/o.Abdul Vahaf,
No.1-74, North Street,
Manjavadi, Needamangalam,
Munsiff and Vattam,
Tiruvarur District.

... Petitioners

Versus

Nil

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India pleased, to set aside the Order dated 21.04.2014 passed by the Learned Principal District Judge, Tiruvarur, in Trust O.P.No.23 of 2014 by allowing this Civil Revision Petition.

For Petitioner : Mr. B.Jawahar

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ORDER

This Civil Revision Petition has been filed by the revision petitioners challenging the Order dated 21.04.2014, passed by the Learned Principal District Judge, Tiruvarur in Trust O.P.No.23 of 2014.

2.The above said Civil Revision Petition has been filed by the revision petitioners seeking permission to sell the property and deposit the amount in a Nationalized Bank so that the religious ceremonies and charitable activities could be performed out of the interest derived from the deposits.

3.The Court below has dismissed the Trust O.P.No.23 of 2014 by holding that selling the properties, which belong to the Islam Trust and depositing the sale proceeds in the Bank by means of a fixed deposit and doing religious ceremonies and charitable activities out of the income derived in the form of interest is against the principles of Islam Personel Law. Giving and receiving the interest is prohibited in Islam.

4.The learned counsel appearing for the petitioners submitted that now the law has been changed and the trust can lend money for interest. It is only selling the property and investing the money in some Nationalized Banks and utilize the interest for the purpose of doing charitable activities.

5.In the absence of any materials, this Court is not in a position to ascertain as to whether the petitioners can do the charitable activities out of the interest accrued from the bank by depositing the sale proceeds.

6.On perusal of the averments in the petition would show that they are going to do the charitable activities out of the amount earned in the form of the interest to be received from the bank by way of depositing the sale proceeds which is against the Islam Law. The Court below also well considered this point.

7.Thus, this Court does not find any error in the order of the Court below. Hence, the Civil Revision Petition is liable to be dismissed. If any grievance, if the law is permitting, it is always open to the petitioners to seek their remedy, at the appropriate Court below based on the different cause of action and it is upon to the Court below to decide the case on merits and the Order of this Court will not prohibit the Court below to decide the matter on merits.

8.In the result, the Civil Revision Petition is dismissed. However,

there shall be no order as to costs.

18.01.2021

Index: Yes/No

Internet: Yes/No

Speaking Order/Non Speaking Order

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To

The Principal District Judge,
Tiruvarur.



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KRISHNAN RAMASAMY, J.,



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