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Ct. 18
10.05.2022

C.O. No. 3576 of 2019

**Syed Aminul Muswi & Ors.
Vs.
Sirajul Islam Shah & Ors.**

Mr. (Dr.) Indrajit Mondal ... For the petitioners.

The revisional application under Article 227 of the Constitution of India is at the instance of the defendant nos. 1, 2 and 3 in a suit for declaration of title and injunction and is directed against the Order No. 58 dated September 09, 2019 passed by the learned Civil Judge, (Junior Division) at Balurghat, District – Dakshin Dinajpur in the said suit being Title Suit No. 133 of 2014.

The learned Trial Judge by the order impugned has dismissed an application filed by the petitioners praying dismissal of the said suit on the ground that the suit properties are wakf properties, as such a civil suit is not maintainable. The learned Trial Judge has dismissed the said application with a finding that the similar issue was raised by the petitioners earlier, but failed to get a success upto the Hon'ble High Court in appeal. The petitioners' attempt to re-agitate the selfsame issue is not appreciated.

C.O. 3576 of 2019 is dismissed without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)

