WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 16.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

C.R.P(MD)No.1627 of 2017(NPD)
and
CMP(MD)No.9168 of 2017

Sithayankottai North Street Big Mosque,
Athoor Village, Dindigul Taluk,
Dindigul District,
represented through its Muthuvallis

1.Janab S.Uthuman Ali,

2.Janab M.Sheik Dawood ... Petitioners

Vs

The Residents of Bagavathiammal Kovil Street,
Sithayankottai, Athoor Village,
Dindigul taluk,
Dindigul District,
represented through their representatives

1.Sevanthi

2.Ayyar @@ Vettiyar

3.N.Abdul Kadher ... Respondents

PRAYER: Civil Revision Petition is filed under Section 83(9) of the Wakf Act, 1995 to allow the civil revision petition as prayed for and to set aside the fair and decreetal order dated 10.04.2017 made in W.O.P(MD)No.2 of 2005 on the file of the Principal Sub-Court, Dindigul.

https://www.mhc.tn.gov.in/judis

WEB COPY

For Petitioner : Mr.A.Arumugam,
For Respondent : Mr.D.Srinivasa Ragavan

ORDER

This civil revision petition has been filed as against the order of the Principal Sub Court, Dindigul in W.O.P.No.2 of 2005 dated 10.04.2017.

2.The suit was filed by the petitioners Wakf before Sub Court, Dindigul as against the respondents/ defendants for injunction and the same has been rejected mainly on the ground that the said petition was not filed in a representative capacity as per Order 1 Rule 8 of CPC and also on other grounds.

3.When the case has been taken up for hearing, the learned Counsel for the petitioners fairly submitted that the suit ought to have been filed in the representative capacity by complying with Order 1 Rule 8 of CPC and therefore, the suit was dismissed by trial Court.

https://www.mhc.tn.gov.in/judis

WEB COPY

4.Recording the said submission of the learned Counsel for the petitioners, this civil revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition also stands dismissed.

16.06.2022

dsk

To
The Principal Sub Judge,
Dindigul.

https://www.mhc.tn.gov.in/judis

WEB COPY

B.PUGALENDHI, J.

dsk

C.R.P(MD)No.1627 of 2017(NPD)

16.06.2022

https://www.mhc.tn.gov.in/judis