



A.No.979 of 2023
in C.S.No.820 of 2008

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WEB C **R.N.MANJULA,J.**

The applicants are the proposed defendant 24 and 25, among them the first applicant is Wakf Board viz., Haji Mirza Ali Naqui Kirmani Express wakf and the 2nd applicant is the Mutawalli who is representing the applicant No.1. The suit in C.S.No.820 of 2008 has been filed for framing a scheme in respect of the suit properties and in which scheme decree has been passed on 22.12.2020.

2. Now, the learned counsel for the applicants submitted that the suit properties belonged to wakf and the plaintiffs have managed to obtain the decree by not impleading the proper party who is the applicant herein viz. wakf as party to the proceedings.

3. The learned counsel for the respondents/plaintiffs submitted that the Wakf Board has been arrayed as 16th defendant in the suit and it cannot be said that the suit has been filed without impleading the proper parties.

4. However, the learned counsel for the applicant submitted that all the defendants remained exparte and no one has represented the interest of the Wakf.

R.N.MANJULA, J.



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5. Since the Scheme Decree has already been passed and the same has not been set aside by any of existing defendants, the application to implead the proposed parties cannot be entertained. If the applicants are aggrieved by the scheme decree passed or if the applicants think that the scheme decree has been obtained by fraud or by suppression of material facts, it is open to them to file a suit to declare the decree as null and void. Since the scheme decree had already been passed, the suit had got disposed, no further party can be impleaded in the suit.

6. In view of the above, this application stands dismissed.

29.03.2023

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