



CRP.No.950 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRP.Nos.950 & 961 of 2024
and
CMP.Nos.4756 & 4871 of 2024

1.H.W.Shanaaz
2.H.Gayaz Ali
3.Showkath Jahan

...

Petitioners in both
CRPs.

/vs/

1.Syed Latheef
2.G.M.Syed Fasi Mohammed
3.Shabana Ayisha
4.Fathima Begum
5.Syed Thula Basha
6.S.A.Rahman
7.Syed Faizullah
8.Syed Akthar Hussain
9.Habeebunnissa Begum

10.The Tamil Nadu Waqf Board,
Rep.by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 1.

11.The Election Officer/Superintendent of Waqfs,
Chennai Zone, No.139, Dr.Besant Road,
Ice House, Triplicane, Chennai-5.



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12.Syed Mazhar Hussain
13.H.Mohammed Sajath
14.Syed Kasim Sakaaf
15.Syed Ajaz Ahmed
16.Mubeen Aamina
17.Haseena Bi
18.Syeda Ghousia Begum
19.Dadasha Makkan Wakf
20.H.Siraj Ali
21.Syed Akbar Sakcaff ... Respondents

COMMON PRAYER : This civil revision petitions have been filed under Article 227 of the Constitution of India r/w Section 83(9) of the Wakf Act 1995 to set aside the fair and decretal order dated 30.01.2024 made in I.A.Nos.61 & 62 of 2024 in O.A.No.79 of 2022 on the file of the Tamil Nadu Waqf Tribunal at Chennai.

For Petitioners	...	Mr.I.Abdul Basith
For Respondent Nos.1 & 2	...	Mr.Y.Kajanavas
For Respondent No.8	...	Mr.S.Jerld Lenin
For Respondent Nos.10 & 11	...	Mr.G.Mohammed Aseef

COMMON ORDER

These civil revision petitions have been filed against the fair and decretal order dated 30.01.2024 made in I.A.Nos.61 & 62 of 2024 in O.A.No.79 of 2022 on the file of the Tamil Nadu Waqf Tribunal at Chennai.



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2. Both the civil revision petitioners are 7, 8 and 12th respondents and the respondents 1 to 9 are applicants in I.A.Nos.61 & 62 of 2024 in O.A.No.79 of 2022. The respondents 1 to 9 have filed two applications in I.A.Nos.61 & 62 of 2024 to reopen the applicants side evidence in Main O.A.No.79 of 2022, for receiving the additional documents and to receive the additional documents in main O.A.No.79 of 2022. After hearing both sides, the learned trial Judge allowed the two applications with costs, against which, the present civil revision petitions have been filed.

3. The learned counsel appearing for the petitioners submitted that the two applications could not be entertained after the arguments of both the sides are over and the matter was to be posted for orders. The two applications were filed to protract the proceedings and there is no valid reason adduced by the applicants for not filing the documents at the initial stage. Therefore, seeking to allow the civil revision petitions.



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4.The learned counsel appearing for the respondents submitted that summary procedure has been followed by the tribunal and the tribunal received an affidavit along with the documents filed by them but the witnesses were not examined. The Tribunal in order to give a chance to the petitioners reopened the evidence and received the documents. Therefore, there is no infirmity in the order passed by the Tribunal, hence, seeking to dismiss the civil revision petitions.

5.I have considered the matter in the light of the submissions made by the learned counsel on either side and perused the materials available on record.

6.On perusal of the impugned order, it is noticed that admittedly at the argument stage, the respondents/applicants have filed the petitions to reopen their side evidence and to receive the additional documents in main O.A.No.79 of 2022. The respondents/applicants filed 14 documents that have been marked subject to proof and relevancy of evidence in order to



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reach finality of the dispute between the parties. The case has been reopened and documents have been received and now, the case is posed for arguments. Therefore, I find no infirmity in the impugned order and there is no ground to interfere with the same. Accordingly, the civil revision petitions are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Index : Yes/No
Internet : Yes/No
sms

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V.SIVAGNANAM ,J.

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