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Rev.Appl.Nos.53 & 54 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Rev.Appl.Nos.53 & 54 of 2023
in
CRP.NPD.Nos.2804 & 2805 of 2017

Mahboob Basha (Died)

- 1.Niyamathullah
- 2.Rahimanullah
- 3.Rahimullah
- 4.Gayazullah
- 5.Thajunisa
- 6.Samiullah
- 7.Niyazullah
- 8.Dilshad Begum

.... Petitioners in both Rev. Appls.

(Cause title accepted vide order dt. 23.12.2022 made in
C.M.P.Nos.20965 & 20960 of 2022 by CVKJ)

Vs

- 1.Butt Road Jumma Masjid Committee represented by
Its Secretary, Hasan Ambalam,
Butt Road, St. Thomas Mount,
Chennai 600 016.
- 2.C.A.Rajadurai
- 3.The Junior Engineer,
Tamil Nadu Electricity Board,
Alandur, St. Thomas Mount,
Chennai 600 016.

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4.The Chief Executive Officer,
Tamil Nadu Wakf Board,
Chennai 600 001.

.... Respondents in both Rev. Appls.

Common Prayer : Review Applications filed under Section 114 C.P.C r/w Order XLVII Rule 1 of CPC, to review the common order dated 18.04.2022 in CRP (NPD) Nos.2804 & 2805 of 2017.

In both Rev. Appls.

For Petitioner	: Mr.A.Ilayaperumal
For R1	: Mr.I.Kowsar Nissar
For R3	: Mr.S.T.Raja
For R4	: Mr.Avinash Wadhvani
For R2	: No appearance

COMMON ORDER

Both the Review Applications have been filed against the common order dated 18.04.2022 in CRP (NPD) Nos.2804 & 2805 of 2017.

2. Those Civil Revision Petitions have been filed consequent to the order of the learned Additional Subordinate Judge, Chengalpet in E.A.S.R.Nos.3832 & 3833 of 2017 which originally emanated from E.P.No.25 of 2016 in Wakf O.S.No.163 of 1999.



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3.The Civil Revisions Petitions were filed questioning an order of return of E.A.Sr.Nos.3832 and 3833 of 2017 by an order dated 12.07.2017 by the learned Additional Subordinate Judge, Chengalpet.

4.This Court, after examining all the records, had finally dismissed both the petitions.

5.In the Review Applications filed, the learned counsel brought to the notice of this Court the observations in paragraph Nos.22, 23 & 24 of the order dated 18.04.2022. A Review would normally lie when there is an error apparent on the face of records which should be evident. The Court examining a review petition should not exercise its mind to determine whether the issue is actually an error apparent or not, as that would indicate that the Court is examining the order as an Appellate Authority.

6.Let me not interfere with any of the observations made in the order dated 18.04.2022, but since it is informed that Tr.O.S.No.77 of 2018 is now pending before the Wakf Tribunal, Chennai, the Wakf Tribunal, Chennai, may proceed to adjudicate the said Original Suit on the basis of the records produced therein and both the oral and documentary evidence adduced. The observations made in the Civil Revision Petitions may not directly play upon



the mind of the Tribunal while adjudicating any of the issues. It should not influence the mind of the Tribunal and the Tribunal may adjudicate the said Suit as stated aforementioned, on the basis of evidence produced and the documents produced.

7.Observing as above, these Review Applications are dismissed.

01.07.2024

Index : Yes/No
Internet : Yes/No
vkr

To

- 1.The Wakf Tribunal, Chennai.
- 2.The Junior Engineer,
Tamil Nadu Electricity Board,
Alandur, St. Thomas Mount,
Chennai 600 016.
- 3.The Chief Executive Officer,
Tamil Nadu Wakf Board,
Chennai 600 001.



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C.V.KARTHIKEYAN, J.

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