



C.R.P.No.2973 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.2973 of 2024

Hussainia Safdaria Shurkhana Endowment,
Represented by its Managing Mutawalli,

1.Thofeeq Ali,
S/o.Late.M.M.Taqai Ali,
2.Mir Mansoor Ali – Mutawalli,
S/o.Late.Mohamood Ali

Both Having its office at,
Old No.55, Ground Floor,
Akbar Sahib Street,
Triplicane, Chennai-600 005.

... Petitioner

Vs.

1.Mir.Zahid Ali
2.Mir.Hussain Ali

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Tamil Nadu Waqf Tribunal at Chennai for speedy disposal of the O.S.No.34 of 2021 pending on its file within the stipulated time.

For Petitioner : Mr.D.Manimaran

ORDER



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This Civil Revision Petition is filed seeking direction for speedy disposal of the suit in O.S.No.34 of 2021 pending on the file of the Tamil Nadu Waqf Tribunal at Chennai.

2.Since the prayer sought for by the petitioner is to the limited extent, notice to the respondents is dispensed with.

3.The learned counsel for the petitioner submitted that the petitioner as a plaintiff filed suit in O.S.No.34 of 2021 to quit, vacate and deliver the vacant possession of the suit property to the petitioner and to direct the 1st defendant to pay Rs.94,500/- being the arrears of rent of 27 months from March 2019 to May 2021 and for other relief. He further submitted that the respondents filed their written statements during month of August 2022 and thereafter the Tribunal framed issues. On the side of the petitioner/plaintiff marked 27 documents as Exs.P1 to P27 and cross examined on 28.03.2023, 08.08.2023 and 12.09.2023. Thereafter, the respondents/defendants filed their proof affidavit, dated 31.10.2023 and 24.01.2024, but not marked any documents. On 31.10.2023, the Presiding Officer insisted the petitioner to cross examine DW1 and on 21.11.2023, he was cross examined. On



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08.05.2023, DW2 was cross examined. After completion of trial, the respondents filed two petitions seeking recall of DW1 for further chief examination and to condone the delay in filing documents under Order VIII Rule 3 of C.P.C. At present, the said applications are not yet numbered. The said two petitions are filed nothing but to fill up the lacuna. He further submitted that the respondents/defendants are recalling DW1 even when the Tribunal by itself had noted in its Adjudication, dated 31.10.2023 that he is aged about 80 years unable to hear or stand in witness box. Knowing the same, the respondents are recalling DW1 once again for the purpose of dragging the suit proceedings. At the time of examination of DW1 and DW2, the respondents not marked any document and after completion of cross examination, all of a sudden, they filed the above said two petitions for recalling DW1 and to condone the delay in filing the document. Hence, prays for speedy disposal of the suit in O.S.No.34 of 2021.

4.Considering the prayer in the petition and considering that the petition is pending for more than three years, this Court directs the Tamil Nadu Waqf Tribunal at Chennai to dispose of O.S.No.34 of 2021 within a



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period of three months from the date of receipt of a copy of this order.

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5. With the above direction, this civil revision petition stands disposed of. No costs.

31.07.2024

Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Index: Yes/No
Internet: Yes

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To

The Tamil Nadu Waqf Tribunal at Chennai.



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M.NIRMAL KUMAR, J.

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