



TR CMP(MD)No.111 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

TR CMP(MD)No.111 of 2022

and

C.M.P.(MD)No.2227 of 2022

U.M.K.Pasha

... Petitioner/Defendant

vs.

Faridha Begum

... Respondent/Plaintiff

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the Wakf Original Application in W.O.A.No.184 of 2018 filed by the petitioner on the file of Waqf Tribunal, Chennai and to transfer the same to the file of the Principal Subordinate Judge, Madurai and to try along with the Original Suit in O.S.No.283 of 2010 pending on its file which is of same subject matter.

For Petitioner : Mr.M.Mohamed Nowsath

For Respondent : Mr.D.Shanmuga Raja Sethupathy



WEB COPY



TR CMP(MD)No.111 of 2022

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the Waqf Original Application in W.O.A.No.184 of 2018 filed by the petitioner on the file of Waqf Tribunal, Chennai and to transfer the same to the file of the learned Principal Subordinate Judge, Madurai to be tried along with the Original Suit in O.S.No.283 of 2010.

2.The only ground on which the present transfer civil miscellaneous petition is filed by the petitioner, Mr.U.M.K.Pasha is that he is aged 75 years and is finding it difficult to travel and attend the proceedings in Waqf Tribunal.

3.Today when the matter came up for hearing, the learned counsel on either side agree that the said U.M.K.Pasha died pending the transfer civil miscellaneous petition. Since the original transfer itself is filed citing the personal difficulty, there is no question of



TR CMP(MD)No.111 of 2022

WEB COPY

impleading the legal heirs and further conducting the transfer civil miscellaneous petition also. As such, the Transfer Civil Miscellaneous Petition stands closed. No costs. Consequently, connected miscellaneous petition is closed.

4.The closure of the transfer civil miscellaneous petition will not preclude the parties from getting themselves or impleading the legal heirs in the pending suit in Madurai or in the Waqf Tribunal proceedings and this will not also preclude from making a fresh claim so as to club both the matters on other grounds if permissible under law.

08.07.2024

NCC : Yes / No
sji

To

1.The Waqf Tribunal, Chennai.

2.The Principal Subordinate Judge, Madurai.



WEB COPY



TR CMP(MD)No.111 of 2022

D.BHARATHA CHAKRAVARTHY, J.

sjj

TR CMP(MD)No.111 of 2022
and
C.M.P.(MD)No.2227 of 2022

08.07.2024