



C.M.A.(MD).No.211 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

C.M.A.(MD)No.211 of 2014

and

M.P(MD) No.2 of 2014

1. Shaik Hussain
2. Abdul Kadar
3. Amshath Ali
4. Ismail
5. Mariyam Beevi
6. Mydeen Beevi
7. Kasi Mohamed
8. Gosh Meera Beevi

... Appellants/Respondents/Defendants

-vs-

1. T.M.Abubacker
2. Hasan Mohideen @ Md Hasen,
3. Mohamed Gani
4. Ismail Beevi
5. Rashitha Beevi
6. Massod Begum
7. Mydeen Abdul Kadar
8. Asan Kani

... Respondents/Petitioners/Plaintiffs

(Respondents 7 and 8 for themselves and
on behalf of the Vadakarai Muslim persons
Under Order 1 Rule 8 of C.P.C)



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PRAYER: Civil Miscellaneous Appeal filed under Order 43 Rule 1 of Code of Civil Procedure, 1908, against the fair and decretal order dated 06.02.2014 made in I.A.No.82 of 2013 in O.S.No.67 of 2013 on the file of the Principal District Court, Tirunelveli.

For Appellants : Mr.V.George Raja
for M/s.Ajmal Associates
For Respondents : Mr.J.Ashok
for M/s. Jeyapaul Associates

J U D G M E N T

This Civil Miscellaneous Appeal has been filed by the appellants as against the fair and decretal order dated 06.02.2014 made in I.A.No.82 of 2013 in O.S.No.67 of 2013 on the file of the Principal District Court, Tirunelveli.

2. Already the case was listed on 04.01.2024. At the request of the learned counsel for the both side, the matter was posted today under the caption “for orders”.

3. When the matter is taken up for hearing today, the learned counsel



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appearing for the appellants represented that already the main suit itself was withdrawn from the Principal District Court, Tirunelveli and returned the plaint on the ground of jurisdiction. Hence, the order passed by the Principal District Court, Tirunelveli is without jurisdiction. Therefore, the injunction granted by the District Court is liable to be set aside.

4. The learned counsel appearing for the appellants has produced the copy of the order passed in C.R.P(PD)(MD) No. 2360 of 2014, dated 16.03.2022, wherein, this Court has passed an order in paragraph No. 3 is extracted herein:

“3. As per said judgment, only the Wakf Board Tribunal has jurisdiction to try the matter. Therefore, the learned Principal District Judge, Tirunelveli, is directed to return the plaint to the revision petitioners to present the same before the appropriate Court. Since the suit is pending from the year 2013, the Wakf Board Tribunal, () Chennai is directed to dispose of O.S.No.67 of 2013 within a period of four months from the date of filing the petition.”*

5. In view of the above said facts, the order passed in I.A.No.82 of



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2013 in O.S.No.67 of 2013 on the file of the Principal District Court, Tirunelveli is set aside. This Civil Miscellaneous Appeal is allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

08.01.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Principal District Court,
Tirunelveli.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL,J.

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