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CRP(PD).No.369 & 373 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.02.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

CRP.(PD).Nos.369 & 373 of 2025

and

CMP.No.2207 & 2217 of 2025

1.Mir Zahid Ali
2.Mir Hussain Ali

... Petitioners in both CRPs

Vs.

Hussainia Safdaria Ashurkhana Endowment,
Rep by its Managing Mutawalli,

1. Thofeeq Ali

2.Mir Mansoor Ali- Mutawalli

... Respondents in both CRPs

Prayer in CRP.No. 369 of 2025:- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 18.12.2024 and made in IA.No.365 of 2024 in OS.No.34 of 2021 on the file of the Tamil Nadu Waqf Tribunal, Chennai.

Prayer in CRP.No.373 of 2025:- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and



CRP(PD).No.369 & 373 of 2025

decreetal order dated 18.12.2024 and made in IA.No.364 of 2024 in OS.No.34 of 2021 on the file of the Tamil Nadu Waqf Tribunal, Chennai.

For Petitioner : M/s.N.A.Nassir Hussain in both CRPs

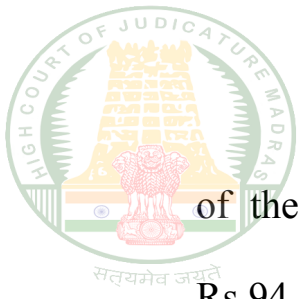
For Respondent : M/s.D.Manimaran in both CRPs

COMMON ORDER

The above Civil Revision Petitions are filed challenging the common order dated 18.12.2025 passed in IA.Nos. 364 & 365 of 2024 in OS.No.34 of 2021 of 2018, on the file of the Tamil Nadu Waqf Tribunal, Chennai.

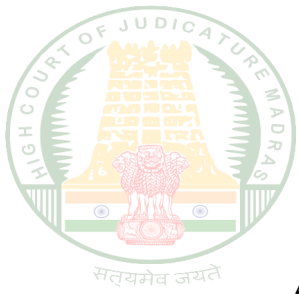
2. Since both the interlocutory applications arise from out of a single suit, a common order is being pronounced in the above Revision Petitions.

3 The respondents/plaintiffs had filed the suit O.S.No.34 of 2021 on the file of the Tamil Nadu Waqf Tribunal, Chennai seeking a direction to defendants 1 and 2 to vacate and deliver vacant possession



of the suit property, to direct the 1st defendant to pay a sum of Rs.94,500/- towards arrears of rent for 27 months from March 2019 to May 2021, to direct the 1st defendant to pay a sum of Rs.1,00,000/- towards past damages for the illegal use and occupation of the suit property from the date of notice i.e. from 25.06.2021 till October 2021 and to direct the defendants, their men and agents either from in any way putting up or creating structural changes on the suit schedule mentioned property.

4. When the matter was posted for further evidence of the defendant's side witnesses, the petitioner/defendants have come forward with the two applications that are impugned in the civil revision petitions i.e., (i) IA.No. 364 of 2024 invoking the provisions of Order 8 Rule 1A(3) of the Code of Civil Procedure to receive additional documents which are counterfoils dated 12.02.2024 and 05.03.2024 for marking the documents in the suit O.S.No.34 of 2021. (ii) I.A.No.365 of 2024 filed under Order 18 Rule 17 to recall the D.W.1 for further chief examination.



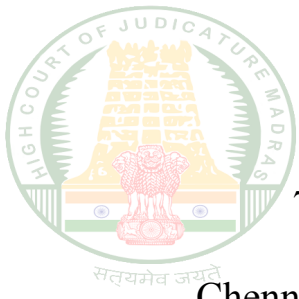
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CRP(PD).No.369 & 373 of 2024



5. In the affidavit filed in support of the said applications, the petitioners/defendants would submit that in their written statement, they had pleaded that they had paid sums to the Waqf Board in lieu of their occupation but they are not in possession of the said documents. During the pendency of the suit, a sum of Rs.60,000/- was paid on 12.02.2024 and another sum of Rs.75,000/- was paid on 05.03.2024 to the credit of the respondent's bank and these counterfoils are vital for deciding the case on hand. Hence, the applications.

6. The respondents/plaintiffs had filed counter in the interlocutory applications by stating that the very conduct of the petitioners/defendants is to drag on the proceedings one way or the other. The witnesses D.W.1 and D.W.2 have not chosen to file any document and all of a sudden these applications are filed with totally irrelevant documents. The respondents/plaintiffs would further submit that these documents are not supported by any pleadings. Hence, prayed for the dismissal of the applications.



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7. The Chairman/District Judge, Tamil Nadu Waqf Tribunal, Chennai after considering the evidence and arguments observed that the very conduct of the petitioners/defendants displayed an intent to drag on the proceedings and proceeded to dismiss the said applications. Challenging the same, the petitioners/defendants are before this Court.

8. Heard the counsels on either side and perused the records.

9. The reason for filing these applications is primarily to mark two documents which are the receipt for a deposit made on 12.2.2024 to the tune of Rs.60,000/- and another on 05.03.2024 to the tune of Rs.75,000/-. The suit has been filed as early as in the year 2021 on the grounds that the petitioners/defendants are in arrears. The deposits made are also towards this arrear and the same have been made pending the suit. However, D.W.1 and D.W.2 have not marked any document to prove payments to the plaintiffs/respondents in the past. That apart, the filing of the impugned applications to mark the proposed documents, which are created after the filing of the suit and



CRP(PD).No.369 & 373 of 2025

that too after the conclusion of the evidence of D.W.1 and D.W.2, would clearly indicate that these applications are filed only with the intent to drag on the proceedings and to fill up the lacuna. Therefore, the learned Chairman/District Judge, Tamil Nadu Waqf Tribunal, Chennai had rightly dismissed the applications and I see no reason to interfere with the same.

10. Accordingly, the Civil Revision Petitions are dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

06.02.2025

(shr)
Index : Yes/No
Speaking Order: Yes/No
Neutral Citation : Yes/No

To

1.The Tamil Nadu Waqf Tribunal, Chennai..



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P.T. ASHA. J.,

(shr)

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