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C.M.P.Nos.16463 & 16460 of 2024

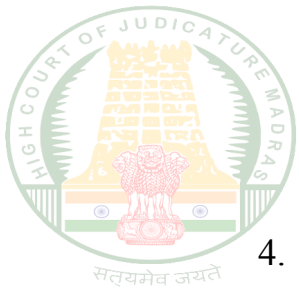
C.M.P.No.16463 of 2024 in C.R.P.No.565 of 2024
and
C.M.P.No.16460 of 2024 in C.R.P.No.568 of 2024

N.SATHISH KUMAR.J.,

These miscellaneous petition are filed seeking to implead, B.Hidayathullah, who claims to be a hereditary mutawalli of Hazarath Yarub Dargah at Denkanikottai, as 5th respondent in both the revision petitions which have been filed (i) challenging the decree and judgement dated 12.01.2024 made in the suit in O.S.No.33 of 2019 and (ii) challenging the order dated 12.01.2024 passed by the Tamil Nadu Waqf Tribunal, Chennai, dismissing the appeal application in A.A.No.14 of 2019 filed by the 7th defendant under Section 64 (4) of the Waqf Act, 1995 and thereby refusing to interfere with the proceedings of the waqf board.

2. Heard both sides.

3. It is settled law that all those against whom relief is prayed and persons whose rights will be affected by the decree are necessary parties to the suit. It is also the settled law that if successful parties whose rights are likely to be directly affected such party should be arraigned as necessary party for effective adjudication of the controversy in question.

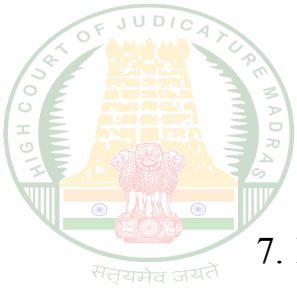


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4. The impleading petitioner claims to have been appointed as a hereditary mutawalli of Hazarath Yarub Dargah as per the custom along with D.I. Fayaz Khan, the 2nd defendant in the suit. His appointment as mutawalli was challenged in an appeal application, and the appointment to the office of mutawalli, as per custom, was seriously resisted by the 7th defendant.

5. No doubt, the issue revolves around the appointment of mutawalli as per hereditary. In the instant case, if this court finds that the orders impugned in the revision are perverse and illegal, then certainly it would directly affect the interest of the impleading petitioner. A necessary party is a person or persons whose interests are affected directly by the outcome of the case.

6. Considering the averments made in the suit as well as appeal application touching upon the issue of appointment to the office of mutawalli which is subject matter of issue in the revisions, this court believes that the impleading petitioner is a just and necessary party to the proceedings, and that if the findings recorded by the waqf tribunal are reversed in the revision petitions the same will undoubtedly bind on the impleading party in whose favour there is already a decree of declaration.



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7. In the light of the above, the petitioner is impleaded as 5th respondent in both the revision petition.

In the result, both the impleading petitions are allowed accordingly.

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Note: The Registry is directed to carry out necessary amendment in the CRPs.



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