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C.M.P.No.16890 of 2024 in
C.R.P. (PD).No.1667 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.M.P.No.16890 of 2024
in
C.R.P.(PD).No.1667 of 2024

1.A.Sultan Abdul Kader

2.M.Syed Nizamudeen Sahib

3.H.Syed Dhadha Sahib

4.S.Sahul Hameed

.. Petitioners

Vs.

1.B.T.Noordeen,
Nagore Dargah Advisory Board Member,
No.6, Mubarak Colony,
Chemarakadai St.,
Nagore – 611 002.
Nagapattinam District.

2.The Managing Trustee,
Nagore Dargah Sheriff,
Nagore Dargah Office,
Nagore – 611 002.
Nagapattinam District.

.. Respondents



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Prayer: This Civil Miscellaneous Petition filed under Order I Rule 10(2) of the Code of Civil Procedure, 1908, praying to implead the petitioners / proposed respondents as respondents in the C.R.P.No.1667 of 2024 and consequently dismiss the C.R.P.No.1667 of 2024.

For Petitioners : Mr.E.Manoharan

ORDER

On 27.01.2025, when C.M.P.No.16890 of 2024 came up before me, Ms.M.Keerthana representing Mr.E.Manoharan stated that she had received instructions from one H.Syed Dhadha Sahib / 3rd petitioner to not press the impleading petition filed by him. Relying upon the endorsement made by her, I also passed an order dismissing the petition insofar as the 3rd petitioner is concerned.

2.Today, Ms.M.Keerthana submitted that subsequent to the order being passed, the 3rd petitioner in this Civil Miscellaneous Petition contacted her and informed her that it was not him who had given instructions to withdraw the Civil Miscellaneous Petition and that she has acted on miscommunication from an other person.



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3.She pleads the order of dismissal be set aside. She states that the said H.Syed Dhadha Sahib had also applied to the Wakf Board seeking appointment to the Advisory Committee of the Nagore Dargah.

4.The counsel is a young counsel and has acted upon on the basis of oral instructions. She could have done better by getting written instructions from the party. As the endorsement was made on the basis of oral instructions and the oral instructions are pleaded to be without the authorization of the 3rd petitioner in the Civil Miscellaneous Petition, I am inclined to recall the order of dismissing the implead petition regarding the 3rd petitioner.

4.Neither Mr.S.V.Karthikeyan nor Mr.A.K.Sriram representing Mr.R.Vasudevan have any objection for recalling the order.

5.In the light of the above, paragraph Nos.1 & 2 of the order dated 27.01.2025 in C.M.P.No.16890 of 2024 are deleted.



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6.Paragraph No.3 of the order dated 27.01.2025 in C.M.P.No.16890 of 2024 shall read as follows:

“The petitioners 1 to 4 claim to be applicants before the Waqf Board as well as the Scheme Court. Hence, they would be affected by any order passed in this revision. Therefore, they are proper parties to the proceedings. Hence, this Civil Miscellaneous Petition is ordered.”

7.In all other respects, the order dated 27.01.2025 in C.M.P.No.16890 of 2024 shall remain as it is.

8.Registry is directed to upload the revised order copy.

29.01.2025

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

NOTE: Registry is directed to carry out necessary amendment in C.R.P.(PD).No.1667 of 2024.



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V.LAKSHMINARAYANAN, J.

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29.01.2025

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