

C.R.P(MD)No.2428 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **03.09.2025**

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

C.R.P(MD)No.2428 of 2025

Kokila

... Petitioner

Vs.

1.Hazarath Nabi Sallallahu Alaihi Vasallwam
Fathiya Waqf, Trichirappalli-8,
Represented by its Male line Trustee
M.Syed Salavudeen,
Female Line Trustee S.Sheik Moideen,
Managing Trustee A.Sha Mohamed Atheekullah,
Having Office at No.7,
Jalal Kudri Street, Madurai Road,
Trichy-8.

2.Tamil Nadu Waqf Board,
Represented by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.

3.The Superintendent of Waqf,
Office of Waqf Superintendent, Trichy Zone,
No.8/124, 2nd Floor, Quide Millath Road,
Palakkarai, Trichy-8.

... Respondents



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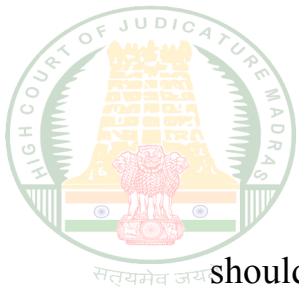
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PRAYER : Civil Revision Petition filed under Section 115 of the Civil Procedure Code, 1908, praying this Court to direct the I Additional District Munsif Court, Trichy to number the petition with same prayer as prayed in E.A.S.R.No.6443/2025, dated 26.06.2025, pass on order on the same without insisting production of appellate order in E.P.No.246/2017 or the Honourable Court may set aside the entire proceedings after the constitution of Tamilnadu Waqf Tribunal (viz. year of 2019) in E.P.No. 246/2017 in O.S.No.208 of 2019 on the file of I Additional District Munsif Court, Trichy and to grant permission for the restitution of petitioner's possession or and such further or other reliefs.

For Petitioner : M/s.G.Kalaivani

ORDER

The instant revision petition had been filed to direct the Executing Court / I Additional District Munsif Court, Trichy to number the petition filed by the petitioner to put back in possession of the petition mentioned property as he had been evicted without jurisdiction. The learned Counsel appearing for the petitioner would contend that after the Constitution of the Tamil Nadu Waqf Tribunal, the execution petition itself is barred and therefore, the eviction of the petitioner in the execution petition would have to be set at naught and the petitioner



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should be put back in possession of the petition mentioned property, for which, the petitioner had taken out an application before the Court and the same had been returned with an endorsement to produce the order of the Appellate Court. She would further submit that even if the order of the Appellate Court is against the petitioner by the amendment to the provisions of the Waqf Act, wherein the Tribunal has been constituted the Civil Court is ousted its jurisdiction to try the matter and therefore, she prays this Court to direct the Court below to take the application filed by the petitioner and dispose of the same on merits and in accordance with law.

3. I have carefully considered the submissions made by the learned Counsel appearing for the petitioner.

4. Admittedly, an *ex parte* decree had been passed as early as on 07.07.2017 as against the petitioner. Even though the petitioner had contended that he had taken out an application for condoning the delay and setting aside the *ex parte* order, no details of such proceedings or any order passed in that regard has not been placed by the petitioner. The



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petitioner had also been evicted and delivery of possession to the decree holder had also been recorded by the Court on 30.06.2025 indicating that the possession was handed over on 19.06.2025 and the E.P stood terminated. Having failed to contest the suit and also not taken any steps for setting aside the *ex parte* order passed against him and after termination of the E.P, the petitioner seems to have filed the petition on the grounds of jurisdiction which would only show that the petitioner is attempting to usurp the property belonging to the first respondent. Such attempt made by the petitioner should not be allowed to be entertained. Further, I also do not find any merits in the petition seeking for putting back the petitioner in possession of the property. For the aforesaid reasons, this Civil Revision Petition stands dismissed. There shall be no order as to costs.

03.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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To

- 1.The I Additional District Munsif Court,
Trichy.
- 2.The Chief Executive Officer,
The Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.
- 3.The Superintendent of Waqf,
Office of Waqf Superintendent, Trichy Zone,
No.8/124, 2nd Floor, Quide Millath Road,
Palakkarai, Trichy-8.



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K.KUMARESH BABU, J.

BTR

Order made in
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