

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE AMIT RAWAL

&

THE HONOURABLE MRS. JUSTICE C.S. SUDHA

Wednesday, the 4th day of October 2023 / 12th Aswina, 1945

CRP(WAKF) NO. 23 OF 2023

WOA 53/2019 OF WAKF TRIBUNAL, KOZHIKODE

REVISION PETITIONER/RESPONDENT NO.1:

SECRETARY, KAZHUTHALLOOR, MAHALLU KUTTIPURAM, MALAPPURAM, PIN -
679571

BY ADVS.M/S.T.M.ABDUL LATHEEF & ABDUL MAJEED.N

RESPONDENTS/APPLICANT/RESPONDENTS 2 TO 12:

1. MUHAMMED RASHEED, [REDACTED]
2. MUHAMMED KOYA THANGAL (DIED), [REDACTED]
3. KERALA WAKF BOARD, VIP ROAD, ERNAKULAM, REP. BY ITS CHIEF EXECUTIVE OFFICER, PIN - 682017
4. V T AYISHA BEEVI, [REDACTED]
5. SUMAYYA BEEVI, [REDACTED]
6. FATHIMATHU SUHARA BEEVI, [REDACTED]
7. UMMU SALMA BEEVI, D/O LATE MOHAMMED KOYA THANGAL, VALIYAVEEDIYEKKAL [REDACTED]
8. HABEEBA BEEVI, [REDACTED]
9. RAIHANATH BEEVI, [REDACTED]
10. MUHAMMED HABEEB THANGAL, [REDACTED]
11. MUHAMMED TWAHIR THANGAL , [REDACTED]
12. POOKKOYA THANGAL VALIYAVEEDIYEKKAL, [REDACTED]

BY ADVS.M/S.K.ANAND K & HUSSAIN KOYA VALIYAVEEDAKATH FOR R4 to R12

This CRP (Wakf Tribunal) having come up for orders on 04.10.2023, upon perusing the petition, the court on the same day passed the following:

(P.T.O)

AMIT RAWAL & C.S.SUDHA, JJ.

CRP (WAKF) No.23 of 2023

Dated this the 4th day of October, 2023

ORDER

Amit Rawal, J.

We have been confronted with various revision petitions filed against the orders of Waqf Tribunal, which are ordered to be listed before the Division Bench. On going through the paper book, we have come across that only the order of the Tribunals are attached but not of the Board which **was appealed before the Tribunal**. Rule 45 of the Kerala High Court Rules and Practice 1971 provides procedure for filing the revision petitions. The same reads as under:

45. Papers to accompany Revision Petitions:- A revision petition shall be accompanied by a certified copy of the order or decree sought to be revised, a certified copy of the judgment, if any, on which the decree or order is based, a certified copy of the judgment or order, if any, of the court or tribunal of the first instance, one additional set of typewritten (or printed) copies of the judgments and orders above-mentioned, by as many authenticated copies of the Revision Petition as there are respondents, two additional copies of the same for the use of the court and the fees prescribed for service of notice with the particulars thereof.

2. On perusal of the said Rule, it is evident that any orders which are subject matter of appeal before the appellate authority other than the High Court are also required to be attached. But the Registry is not raising any objection as and when the petitions are being filed. We herefore, pass a judicial order directing all the lawyers / litigants to attach the copy of

the orders passed in the first instance, in cases of Revisions, CRPs and OPs. Practice of not attaching the order, is totally in deviation to the High Court Rules. Henceforth, we hereby direct that in all pending petitions, the order of first instance will be attached and in case any fresh petitions are filed, the Registry would not assign the number, until and unless there is requirement of Rule 45, ibid. This order be circulated to all the Sections, Registrar General and President of Bar Association for compliance.

In this matter, counsel for the petitioner seeks time to place on record the copy of the order of the Board. Post on 30.10.2023.

sd/-

**AMIT RAWAL
JUDGE**

sd/-

**C.S.SUDHA
JUDGE**

sab

