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04.09.15

Today the date is fixed for hearing of petition dt. 16.5.2015.

Ld. adv for the both sides are present.

Let the petition is taken up for hearing.

By filing the instant petition ld. Adv on behalf of plaintiff Mosque submit that one Akkas Ali Sarkar instituted the suit as secretary of that Mosque but presently due to his old age he is not in position to proceed with this suit. And after taking regulation the committee of said mosque appointed the present petitioner namely Jan Mahammad Khan as Mutuwali of the plaintiff Mosque and has given power to proceed with this case.

Ld. adv for the defendant filed W0 against the petition but same was not supported by affidavit.

Ld. adv for the defendant submitted that the Mosque committee has not power to appoint Mutuwali. As the plaintiff did not file the instant petition so the instant petition is not tenable.

On perusal of the case record it appears that the plaintiff Mosque is being represented by one Akkas Ali. But presently the EC committee of that Mosque has taken regulation to continue the suit with one Jan Mahammad Khan. Here the interest of Mosque is involved. The person by whom the Mosque is being represented, has no personal interest in this suit. As the executive committee of the said Mosque has taken regulation and appoint new Motuwali, that person can do any act if he be so authorized. Whether the EC committee of said Mosque has power to appoint Mutuwali or not that question will be decided at the time of final hearing.

Considering the above I am inclined to allow the petition dt. 16.05.15 filed on behalf of plaintiff.

Hence, it is,

ordered

that the petition dt. 16.05.15 be and same is considered and allowed on contest but without any order of cost.

Jan Md Khan is permitted to proceed with this case on behalf of plaintiff Mosque.

To _____ for evidence of PW as last chance i/d dismissed.