

ITEM NO.121

COURT NO.6

SECTION XIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 4156 OF 2006

KOUJUMMA AND ORS.

Appellant (s)

VERSUS

NALAKATH SAIDALAVI HAJEE

Respondent(s)

(With appln(s) for exemption from filing O.T. and office report))

Date: 14/09/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s) Mr. Romy Chacko,Adv.

For Respondent(s) Ms. Jasneet Kaur, Adv.for
Mr. Subramonium Prasad,Adv.

UPON hearing counsel the Court made the following
O R D E R

The Appeal is allowed in terms of the signed order.
No costs.

(Parveen Kr. Chawla)
Court Master

(Indu Satija)
Court Master

[signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4156 OF 2006

Koujumma & Others ..Appellants
versus

Nalakath Saidalavi Hajee ..Respondent

O R D E R

Heard learned counsel for the parties.

This Appeal has been filed against the impugned judgment and order dated 04th January, 2005 passed by the High Court of Kerala at Ernakulam in C.R.P. No. 2557 of 2002.

The facts have been set out in the impugned judgment

and hence we are not repeating the same here.

It appears that the respondent filed a petition for eviction before the Wakf Tribunal, which has been decreed.

In the case of Ramesh Gobindram (Dead) Through Lrs. vs. Sugra Humayun Mirza Wakf reported in 2010 (8) SCALE 698, it has been recently held by this Court that Wakf Tribunal cannot entertain a petition for eviction against the tenant.

Following the said decision, this appeal is allowed and the impugned judgment of the High Court is set aside and the eviction petition filed by the respondent herein is dismissed. However, the respondent shall be at liberty to initiate appropriate proceedings before the appropriate forum. No costs.

.....J.
[MARKANDEY KATJU]

NEW DELHI;J.
SEPTEMBER 14, 2010. [T.S.THAKUR]