

IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST  
REPUBLIC OF SRI LANKA

In the matter of an application for Leave to Appeal under and in terms of section 754(2) read with section 757 of the civil procedure code and section 55A of the Muslim Mosque and Charitable Trusts or Wakfs Act No.51 of 1956 as amended against the Order of the Wakfs Tribunal dated 11.01.2020.

C.A. LTA No. 02/2020

Wakfs Tribunal Case No. WT 268/2019

Mohamed Alavi Nawaz Gafoor,  
No. 57, Green Path,  
Colombo 07.

And 09 others.

All are currently the trustees of the Muslim Charitable Trust established by the Deed of Trust bearing No. 2125 dated 21.11.1935

Defendant-Petitioners

Vs.

1. Mohamed Ibrahim Mohammed Mafaz

No. 40/10, King Lane,  
Pannawa, Kobeigane.

And 04 others.

Plaintiff-Respondents.

Before : Hon. M.T. Mohammed Laffar, J &  
Hon. K.K.A.V. Swarnadhipathi, J.

Counsel : Chandaka Jayasundera, P.C. with Samithri Wanniachchi for  
the Petitioners

N.M. Shaheed with M.R. Husni for Plaintiff-Respondents

Mehran Careem for the 3<sup>rd</sup> Respondent.

Argued &  
Decided on : 08.03.2021

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Laffar, J.

The learned President Counsel for the Petitioner submits that, if the Respondents will not peruse the reliefs as set out in prayers 6 to 10 in case No. CA/WT/268/2019, the Petitioners will not proceed with this application and this matter can be terminated by this Court without prejudice to the matter in issue before this Court in Case No. CA/LTA/11/2019.

The Counsel for the Respondents informs that, the Respondents agree to the proposal made by the Learned President Counsel for the Petitioners and states that they will not peruse the above reliefs set out in prayers 6 to 10 in case No. CA/WT/268/2019 without prejudice to the Supervisory Powers of the Wakf Tribunal to go into the Charitable Trust.

Accordingly, this matter is settled on the aforesaid terms and undertakings.

Proceedings are terminated.

The Registrar of this Court is directed to communicate this order to the Wakfs Tribunal forthwith.

JUDGE OF THE COURT OF APPEAL

K.K.A.V. Swarnadhipathi, J.

I agree.

JUDGE OF THE COURT OF APPEAL

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