

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

In the matter of an application for Leave to Appeal from the order of the Wakf Tribunal made in terms of section 55A of the Muslim Mosques and Charitable Trusts or Wakfs Act read with section 754(2) of the Civil Procedure Code.

WB Case No. WB/8604/2020

WT Case No. WT/284/2022

CALA CASE NO: CA/LTA /09/2022

1. N.M.M. Sabrulla
No.121/1, Maanaeriya
Kochchikade
2. M.B.M. Huwailidu
No. 17/78, Lurdu Mawatha
Kochchikade
3. B.M.M. Sultan
No. 28/14, Church Road
Kochchikade
4. A.U.L.M. Fawser
No. 117, Henmulla
Kochchikade
5. B.M. Azmi
No. 117, Henmulla
Kochchikade

Petitioners

Vs

1. Nasoordeen Faleel Rizan
Sultana Hotel
Kochchikade

2. Nasoordeen Kishar Hayath Khan
Sultana Hotel
Kochchikade
3. Abdul Rahuman
No. 68, Pallansena Road,
Kochchikade
4. Mubarak Mohamed Marzook
Guruge Watte, Maanaeriya
Kochchikade

Respondents

AND BETWEEN

1. Nasoordeen Faleel Rizan
Sultana Hotel
Kochchikade
2. Nasoordeen Kishar Hayath Khan
Sultana Hotel
Kochchikade
3. Abdul Rahuman
No. 68, Pallansena Road,
Kochchikade

Respondent-Appellants

Vs

1. N.M.M. Sabrulla
No.121/1, Maanaeriya
Kochchikade
2. M.B.M. Huwailidu
No. 17/78, Lurdu Mawatha
Kochchikade

3. B.M.M. Sultan
No. 28/14, Church Road
Kochchikade

4. A.U.L.M. Fawser
No. 117, Henmulla
Kochchikade

5. B.M. Azmi
No. 117, Henmulla
Kochchikade

Petitioner- Respondents

6. Mubarak Mohamed Marzook
Guruge Watte, Maanaeriya
Kochchikade

Respondent- Respondent

AND NOW BETWEEN

1. Nasoordeen Faleel Rizan
Sultana Hotel
Kochchikade

2. Nasoordeen Kishar Hayath Khan
Sultana Hotel
Kochchikade

3. Abdul Rahuman
No. 68, Pallansena Road,
Kochchikade

Respondent-Appellant- Petitioners

Vs

1. N.M.M. Sabrulla
No.121/1, Maanaeriya

Kochchikade

2. M.B.M. Huwailidu
No. 17/78, Lurdu Mawatha
Kochchikade
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4. A.U.L.M. Fawser
No. 117, Henmulla
Kochchikade
5. B.M. Azmi
No. 117, Henmulla
Kochchikade

Petitioner - Respondent- Respondents-

6. Mubarak Mohamed Marzook
Guruge Watte, Maanaeriya
Kochchikade

Respondent- Respondent- Respondents

Before: **M. T. MOHAMMED LAFFAR, J.**
Sampath B. Abayakoon, J.

Counsel: V. Fernando, instructed by Fawzie Wahab for the Petitioners.

Decided on: 02.02.2023

MOHAMMED LAFFAR, J.

We heard the learned Counsel for the Respondent-Appellant-Petitioners in support of this Application. Having scrutinized the petition, affidavit, documents, the impugned Order of the Wakf Tribunal dated 10-12-2022 and the oral submission of the learned Counsel for the Respondent-Appellant-Petitioners, it is the view of this Court that this is a fit and proper case to grant leave to appeal, and therefore the leave to appeal as prayed for in prayer (a) of the petition dated 20-12-2020 is granted.

Upon tendering, issue notice on the Respondents.

JUDGE OF THE COURT OF APPEAL

Sampath B. Abayakoon, J.

I agree.

JUDGE OF THE COURT OF APPEAL