

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO. 12 OF 2010

1] Smt. Sitabai W/o Hanumandas Agrawal,
Age : 63 years, Occu.: Business,
and Household, R/o Kadrabad, Jalna

2] Bhagwan S/o Bhavarlal Dayma,
Age : 53 years, Occu.: Business,
R/o Brahman Galli, Jalna

.. Petitioners
(Orig. Plaintiffs)

VERSUS

1] Shaikh Muneer,
District Wakf Officer,
Bhaji Mandi, Jalna,
Dist. Jalna

2] Shaikh Hanif S/o Sk. Saleem,
Age : 59 years, Occu.: Leadership
and Business, R/o Kabadipura,
Kadrabad, Jalna

3] Maharashtra State Board of Wakfs,
through its Chief Executive Officer,
Panchakki, Aurangabad

.. Respondents
(Orig. Defendants)

None present for the petitioners

Mr. S.S. Kazi, Advocate for the respondent nos.1 and 2

Mr. M.B.W. Khan, Advocate for respondent no.3

CORAM : M.T. JOSHI, J.

DATE : 06/04/2015

ORAL ORDER :

1. None appears for the petitioners.

2. The record shows that since 18/11/2013, nobody

is appearing for the petitioners.

3. Heard Mr. Kazi and Mr. Khan. Perused the record.

4. The petitioners came with a case that the petitioner no.1 is the tenant of the wakf property and, therefore, the suit was filed for declaration and injunction against the District Wakf Officer, Maharashtra State Board of Wakfs and the present respondent no.2 -Shaikh Haneef S/o Sk. Saleem. The learned Presiding Officer of the Maharashtra Wakf Tribunal, Aurangabad found that admittedly, plaintiff no.2 i.e. the petitioner no.2 herein, who has deposed on behalf of the petitioner no.1 has nothing to do with the alleged affairs. There was no power of attorney executed in favour of plaintiff no.2. Further, it was found that statutory notice under section 89 of the Wakf Act, 1995 was not issued to the Wakf Officer or the Board as is required. No documentary evidence was placed on record to show the relationship. Moreover, in cross-examination, P.W. 1 i.e. the present petitioner no.2 neither has admitted nor denied the suggestion given to him by the defence counsel in cross-examination

that crime punishable under section 395 of the Indian Penal Code is already registered against him with Sadar Bazar Police Station.

5. Considering all the facts on record, the oral testimony was not relied on and the suit was dismissed. I do not find any material irregularity in the reasoning of the impugned judgment and decree. In the result, the Civil Revision Application is hereby dismissed with costs.

[M.T. JOSHI]
JUDGE

arp/