

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CIVIL APPLICATION NO.8565 OF 2014

IN

CIVIL REVISION APPLICATION ST. NO.17359 OF 2014

WITH

CIVIL REVISION APPLICATION ST. NO.17359 OF 2014

Rui Masjid Trust,
Rui, Tq-Rahata, Dist-Ahmednagar,
Through its Mutawali,
Ismail Mohd. s/o Syed Mohd. Fatthubhai Inamdar
R/o-Shirdi, Tq-Rahata, Dist-Ahmednagar

...APPLICANT

VERSUS

Gaffarkhan Aslamkhan Pathan,
Age-51 years, Occu:Agri.,
R/o-Rui, Tq-Rahata,
Dist-Ahmednagar
and others.

...RESPONDENTS

...

Mr.Mobin H. Shaikh Advocate for Applicant.
Mr.Ajeet D. Kasliwal Advocate for
Respondent Nos.1 to 5.

...

CORAM: A.I.S. CHEEMA, J.

DATE : 11TH FEBRUARY, 2015

ORDER :

1. This Revision Application has been filed by the Applicant - original defendant No.2 of Suit No.130 of 2009 pending before Maharashtra State Waqf Tribunal. It appears that Chief Executive Officer started proceedings under Section 54 of the Waqf Act and in view of the same, the Respondent Nos. 1 to 5 filed the said Suit for declaration and injunction. The Respondents claim that they were not the encroachers and therefore proceeding under Section 54 of the Waqf Act could not be taken out. In the suit, application for temporary injunction has been filed vide Exhibit 5 and the same came to be allowed on 16th May 2011. The said order has been challenged in the present Revision.

2. Now, when the matter has come up, the learned counsel for Respondent Nos. 1 to 5 submits that the order concerned was passed on 16th May

2011 staying the orders of the Chief Executive Officer and thereafter sufficient time has passed and the suit has already proceeded and evidence of the Plaintiffs has also been recorded and the Defendants have even cross-examined the witnesses. The counsel suggested that it will be appropriate to not disturb the impugned order and the suit may be expedited.

3. Learned counsel for the Applicant stated at Bar that the present matter may be disposed with direction to the Waqf Tribunal to dispose of the suit at the earliest, may be, within six months.

4. The Civil Application is basically for condonation of delay and the Applicant claims that due to the orders passed in the matter of "Shaikh Mohamed Khaja Fakirsaab Maniyar vs. Maharashtra State Board of Wakfs" in C.R.A. Stamp No.32946 of 2012 the limitation is of three years.

5. In view of the submissions made at the Bar, without going into the merits of the matter, the present Application is being disposed of, with direction to the Waqf Tribunal to expedite the hearing of the Suit No.130 of 2009 and efforts be made to dispose the same within six months.

6. Civil Application No.8565 of 2014 and Civil Revision Application Stamp No.17359 of 2014 stand disposed of accordingly.

[A.I.S.CHEEMA,J.]

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