

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO. 313 OF 2013

Shaikh Gulammohammed Gulam Rasool .. Petitioner

Vs.

Shaikh Zahoor Shaikh Gani and others .. Respondents

Mr. Vinod Y. Bhide, Advocate for the petitioner
Mr. M.G. Mustafa, Advocate for the respondent nos.1 to 3
None present for respondent nos.4 to 9, though served.
Mr. Y.B. Pathan, Advocate for respondent no.10

CORAM : M.T. JOSHI, J.

DATE : 27/03/2015

ORAL ORDER :

1. Heard both sides.
2. Learned counsel for the petitioner files on record photocopy, which he claims to be the copy of the General Notification issued by the State regarding the very same Wakf. The same is accepted and marked as "X" for the purpose of identification. Name of Abubaker Baig appears as Managing Trustee of the Trust. It is an admitted fact that earlier the present Wakf was registered under the Bombay Public Trusts Act. Mr. Bhide submits that certain challenge to the inclusion of the name of respondent nos. 1 to 3 was

pending with the Charity Commissioner. The scheme which was proposed by the present petitioner alongwith the said Abubaker was also pending, which is transferred to the Wakf Board. The same is also pending. In that view, Mr. Bhide submits that without joining the present petitioner as a party, the issue regarding twice registration of the Wakf was decided by the Wakf Tribunal.

3. The issue, in-fact, would not be, as to whether out of which two registration, which registration is valid, but as admittedly, the earlier wakf was registered as the trust under the Bombay Public Trusts Act, undisputedly, it will have to be registered as Wakf and the only issue would be, as to who manage the said Wakf and what should be the scheme of the same. In the circumstances, there is no need to interfere in the judgment of the learned Tribunal, as the order always would be subject to the scheme that may be framed in view of the dispute, as to who would be the Trustee/Mutawalli. That may be decided by the Wakf board in view of the pendency of the scheme or in view of the pendency of the challenge, if any, to the

appointment of the present respondent nos.1 to 3 as the trustee, by the Assistant Charity Commissioner.

4. With the above observation, the present Civil Revision Application is disposed of without any order as to costs.

[M.T. JOSHI]
JUDGE

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