

**FARAD CONTINUATION SHEET NO.**  
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD.**

|                                                        |                                                  |                                          |
|--------------------------------------------------------|--------------------------------------------------|------------------------------------------|
| Office Memoranda of appearance, directions and orders. | Notes, of Court's orders and Registrar's orders. | Office Coram, Court's or Judge's orders. |
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CIVIL REVISION APPLICATION NO. 247 OF 2015

DARGAH HAZRAT SYED SHAH SAILANI(RAH.)THR. ITS  
PRESIDENT SK.SHAMSUDDIN S/O RAHIMUD  
VERSUS  
THE MAHARASHTRA STATE BOARD OF WAQFS THR. CHIEF  
EXECUTIVE OFFICER AND OTHERS

...  
Advocate for Petitioner : Mr. Quadri S.A.P.  
Advocate for Respondent No.5/ Caveator: Mr. P. S. Dighe.  
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**CORAM: T. V. NALAWADE, J.**  
**DATED: 17th NOVEMBER, 2015.**

**PER COURT:**

1. The petition is filed to challenge the order made by Wakf Tribunal in Wakf Suit No.87 of 2011 on 7th October, 2015. Heard both the sides.
2. It appears that by filing application at Exhibit-90 the defendants in the suit requested the Wakf Tribunal to hear application at Exhibit-5 filed for relief of temporary injunction on merits and decide it. It appears that interim relief is granted but the temporary injunction application is not decided on merits by the Tribunal.

Surprisingly, the order dated 7th October, 2015, by which the Tribunal expressed that it will decide Exhibit-5 on the next date, is challenged in revision.

3. Considering the scope of the revision, this Court has no hesitation in holding that said order cannot be challenged by filing revision. This is not a decision of any kind on any matter and the Tribunal has only expressed that Exhibit-5 application will be decided at the earliest. In such cases, cost can be imposed for filing revision as it is filed, to protract the decision of the main matter. This Court is not imposing cost at this stage but this circumstance can be certainly considered against plaintiff as the plaintiff has tried to play such tactic.

4. Learned counsel for the Petitioner produced a copy of order passed by the Apex Court in Special Leave Petition (C) Nos.31288-31290 of 2011 and submitted that the Honourable Apex Court has given direction to see that the Wakf properties are not disposed of or alienated in any way till the matter pending in the Supreme Court is disposed of. This is again a tactic of the plaintiff showing that he is avoiding to take the decision of the matter. Exhibit-5 in which interim relief

is granted in favour of the plaintiff needs to be decided as far as possible and the law is settled on that point also. Revision stands dismissed.

**[T.V. NALAWADE, J.]**

Dt.17/11/2015  
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