

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

**CIVIL REVISION APPLICATION NO. 1 OF 2015**

1. Naser Khan s/o Sardar Khan Pathan,  
Age : 46 years, Occu. Driver,  
R/o Ward No. 1, Tambe Chawl,  
Shrirampur, Dist. Ahmednagar
2. Gulzar Khan s/o Sardar Khan Pathan,  
Age : 41 years, Occu. Business,  
R/o as above
3. Sajid Khan s/o Sardar Khan Pathan,  
Age : 38 years, Occu. Mechanic,  
R/o as above

PETITIONERS

**VERSUS**

Juma Masjid Trust, Shrirampur,  
through Mr. Shaikh Kareem Abdul Qadar,  
Age : 67 years, Occu. Social Work,  
R/o Ward No.1, Behind Batra Hospital,  
Shrirampur, Dist. Ahmednagar

RESPONDENT

----

Mr. A.P. Gaikwad, Advocate holding for Mr. S.S. Kazi,  
Advocate for the petitioners  
Mr. S.B. Khan, Advocate for the respondent

----

**CORAM : M.T. JOSHI, J.**

**DATE : 19/03/2015**

**ORAL ORDER :**

1. Heard both sides.
2. The respondent has filed the suit, bearing regular civil suit No. 88/2013, against the present petitioners with a pleading that the suit property is a wakf property and the present petitioners have attempted to take possession of one of the rooms therefrom unauthorizedly. The present petitioners have filed an application (Exhibit-24) under section 9-A of the Code of Civil Procedure, claiming therein that the civil court has no jurisdiction.
3. The learned counsel for the petitioners submits that in view of the provisions of the Wakf (Amendment) Act, 2013, all the matters relating to the wakf properties are to be dealt with by the Wakf Tribunal and not by the civil court.
4. It should, however, be seen that admittedly, the property is the wakf property. In the circumstances, the muttawali would have right to protect the same and no issue, which is required to be decided by the Wakf Tribunal, has arisen in the present proceeding. The

civil revision application is, therefore, dismissed  
without any order as to costs.

**[M.T. JOSHI]**  
**JUDGE**

npj/cra1-2015