

THE HONOURABLE SRI JUSTICE DILIP B.BHOSALE
CIVIL REVISION PETITION No.812 OF 2014

P.C.:

This Civil Revision Petition, by the original plaintiffs, is against the order dated 10.02.2014 passed by the Court below returning the plaint for compliance of objections, as indicated in the impugned order.

It appears that the suit was instituted by the petitioners-plaintiffs without issuing notice to the State Wakf Board as required under Section 89 of the Wakf Act, 1995 (for short 'the Act'). Admittedly, the petitioners did not issue any notice as required under this provision to the Wakf Board before instituting the suit against the Board.

Learned counsel for the petitioners submits that a notice under Section 89 of the Act is not necessary unless the suit is to be instituted against an order as such. This submission deserves to be rejected outright in view of the language of Section 89 of the Act and when I so expressed, learned counsel for the petitioners sought thirty days time from today for the compliance as per the impugned order. Learned counsel for the respondents has no objection for granting the time as prayed for. Accordingly, the time to comply is extended by thirty days from today.

The Civil Revision Petition is, accordingly, disposed of.

Miscellaneous petitions pending in the Civil Revision Petition, if any, also stand disposed of.

DILIP B.BHOSALE, J

27th February, 2015.

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