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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO.7 OF 2017

Shaikh Altaf Shaikh Jamaluddin

APPLICANT

VERSUS

Muhammad Faiz Muhammed Iftikhar and Others RESPONDENTS

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Mr. D. U. Mulla, Advocate for the applicant

Mr. S. S. Kazi, Advocate for respondents No.1 and 2

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 18th JANUARY, 2017

ORDER :

1. Heard learned advocates for the parties.

2. Mr. Mulla, Learned advocate for the applicant contends that the situation boils down to that Tribunal may not have power, authority or jurisdiction to sit in appeal over the order of amalgamation of trusts passed way back in 1997, on several grounds including that the Wakf Board had not been constituted by then and provisions would not let appeal against the order of Charity Commissioner before Wakf Tribunal and as such, he submits that the applicant may be given an opportunity to revive his application for calling record and proceedings, in case, question of jurisdiction would be decided in favour of original

appellants.

3. Mr. Kazi, learned advocate submits that if at all the applicant - original respondent feels that such an application shall be lodged before Tribunal, it is for him to decide about the same, however, so far as liberty is concerned, it may not be granted.

4. Considering that since an application is mooted questioning jurisdiction of the Tribunal, it would be expedient that, in the event the Tribunal decides in favour of its jurisdiction, the applicant may revive his request for calling of record and proceedings, to be decided on its merits, and order impugned in this application shall not be an impediment for its consideration afresh.

5. Mr. Mulla, learned advocate states that such an application would be moved within a fortnight from today. The Tribunal may decide the same as early as possible.

6. Civil Revision Application, as such, stands disposed of.

[SUNIL P. DESHMUKH, J.]