

(1)

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

CIVIL REVISION APPLICATION NO. 120 OF 2017

- (1) Firoz S/o Dilawar Khatik,
age 44 years occupation President
- (2) Dilawar S/o Ibrahim Shaikh,
age 50 years occupation Secretary
- (3) Salim S/o Shahabuddin Vanjari,
age 40 years occupation Secretary

All R/o village Atpadi Taluka and Dist. Sangli

..APPLICANTS.

VERSUS

- (1) Masjid Devastan Atpadi
Taluka and Dist. Sangli
Through its President & Managing Committee,
- (2) Tajuddin Abdul Gani Inamdar
age 44 years occupation business,
- (3) Yunus Mosa Mulla
age 44 years occupation business,
- (4) Tahir Iqbal Abdul Hamid
age 45 years occupation business,
- (5) Abbas Mohammed Mulani,
age 36 years occupation business ,
All R/o village Atpadi Tal. & Dist. Sangli,
- (6) The Chief Executive Officer
Maharashtra State Wakf Board,
Panchakki, Aurangabad.

...RESPONDENTS

(2)

Mr Mobin H. Shaikh, Advocate for applicants
Mr Y.B. Pathan, Advocate for respondent No.6.

CORAM : N.W. SAMBRE, J.

DATE : 20th June, 2017

ORAL ORDER

The applicants have questioned ad-interim order of injunction, passed by the Maharashtra State Wakf Tribunal, Aurangabad, in Wakf Suit No. 84/2015, on August 25th 2015. According to him, instead of deciding injunction application on merit, the Tribunal is unnecessarily adjourning matter, as there are 15 adjournments granted.

2. In the light of Judgment of the Apex Court in the case of **A. Venkatasubbiah Naidu Vs. S. Chellappan and others**, reported in **AIR 2000 Supreme Court 3032**, the learned Counsel for the applicants/original defendants in Wakf Suit No. 84/2015, pending on the file of Maharashtra State Wakf Tribunal, Aurangabad, prays for expeditious disposal of application Exh.5. According to him, ad-interim injunction is in operation for almost two years, when the aforesaid judgment and the provision of Order XXXIX warrant that

(3)

such an application should be decided expeditiously, and within a period of 30 days.

3. Considered the submissions.

4. As the order that this Court is passing is not detrimental to the interest of the original plaintiffs/respondents, the issuance of notice to the respondents is dispensed with.

5. Heard learned Counsel Mr Y.B. Pathan for the Wakf Board i.e. respondent No.6.

6. In the backdrop of above legal position, it is directed that the Maharashtra State Wakf Tribunal, Aurangabad, shall decide application Exh.5 in Wakf Suit No. 84/2015 expeditiously and, in any case, within a period of 30 days from today.

7. With above directions, the revision stands disposed of.

(N.W. SAMBRE, J.)