

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

903 CIVIL APPLICATION NO. 14893 OF 2017
IN

CIVIL REVISION APPLICATION NO.217/2017

ABDUL MULHIM SIDDIQUI ABDUL MUSTAKIM AND OTHERS
VERSUS

KHAJA HAFIZODDIN KHAJA RAHIMODDIN AND OTHERS

...

Advocate for Applicants : Mr. Shaikh Mujtaba Gulam

Advocate for Respondents : Mr. S. S. Kazi

CORAM : K. L. WADANE, J.

DATE : 14th December, 2017

ORDER:

1. Heard learned counsel for the applicants and learned counsel for the respondents.

2. This civil application is referred by the original respondents in Civil Revision Application No.217/2017 for vacating the order dated 6th December, 2017, which reads as under:

"Heard Mr. Kazi, learned counsel for the applicants. During the course of arguments, he submits that the present Revision Applicants have already filed a suit for permanent injunction against the present respondents in respect of the same property and the learned Presiding Officer of the Wakf Tribunal in Wakf Suit No. 58 of 2011 has passed a decree on 21.7.2014 restraining the defendants from causing any sort of obstruction. The said

judgment and decree is assailed by the respondents in this Court by filing two Revision Applications bearing Nos. 199 of 2014 and 226 of 2014, however, in both the Revision Applications, no interim relief is granted in favour of the present respondents. Hence, the perpetual injunction issued against the present respondents is still in force.

2. The Chief Executive Officer has passed an order on 22.3.2012 and constituted a committee to look after the affairs of the wakf institution.

3. In view of above, issue notice to the respondents, returnable on 11.1.2018.

4. Mean time, there shall be ad-interim relief in terms of prayer clause (C)."

3. It appears that at the time of argument, an impression was tried to be created that the order passed by the Chief Executive Officer dated 22.03.2012 is contrary to the decree passed in Wakf Suit No.58/2011, dated 21.07.2014. On perusal of the same, it appears that Wakf Suit No.58/2011 was in respect of certain landed properties.

4. On perusal of the order passed by the Chief Executive Officer of the Wakf Board dated 22.03.2012, it appears that it pertains to the management and

maintenance of Misjid and Darga and the order nowhere indicates that it relates to the subject matter of Wakf Suit No.58/2011. Therefore, prima facie, it appears that the impression was tried to be created that order passed by the Chief Executive Officer dated 22.03.2012 was contrary to the decree passed in the Wakf Suit. Furthermore, the order passed by the Chief Executive Officer was assailed before the Wakf Tribunal and there was no interim relief operating in favour of the present respondents/revision applicants.

5. In view of the above, the order passed by this Court in Civil Revision Application No.217/2017, dated 6th December, 2017 granting interim relief stands vacated.

6. Civil application stands disposed of.

(K. L. WADANE, J.)

JPC