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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2742 OF 2015**

Momin Masjid Madarasa Sunnat Jamayat ... Petitioner
Vs.
Shri Iqbal Balechand Patvegar and Ors. ... Respondents

Mr. Sachin Chavan for the Petitioner.
Mr. K.K. Malpathak i/by Mr. Abdul Karim N. Mulla for the Respondent No.1.
Ms. Saima Ansari i/by Mr. R.M. Momin for the Respondent No.2.
Mr. Prashant R. Suryawanshi i/by Mr. Gajanan M. Savagave for the Respondent No.3.

**CORAM : A.S. OKA &
A.K. MENON, JJ.**

DATE : 29th MARCH, 2017

PC.

1 Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the first respondent and the learned counsel appearing for the second respondent.

2 The order impugned in this Petition under Article 226 of the Constitution of India is dated 9th January, 2015. The petitioner has preferred an Appeal against the said order. The said Appeal is pending before the Wakf Tribunal.

3 There is a reply filed by the first respondent on 5th June, 2015 in which it is stated that now the Presiding Officer of the Tribunal has been appointed. It is not in dispute between the parties that now the Tribunal is functioning. In fact, the learned counsel appearing for the petitioner states that the Appeal is placed before the Tribunal on 6th May, 2017.

4 In view of the statement, we dispose of the Petition by passing the following order :-

ORDER

- (i) In view of pendency of the Appeal before the Tribunal, we decline to entertain this Petition;
- (ii) To enable the petitioner to move the Tribunal and to seek appropriate interim relief, ad-interim order granted on 18th March, 2015 shall continue to operate till 22nd May, 2017;
- (iii) We make it clear that all contentions in the pending Appeal are kept open. Application for interim relief, if made by the petitioner shall be decided by the Tribunal on its own merits without being influenced by grant of

ad-interim relief and continuation thereof by this
Court;

(iv) Petition is disposed of on above terms.

(A.K. MENON, J)

(A.S. OKA, J)