IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

BENCH AT AURANGABAD

CIVIL APPLICATION NO.6512 OF 2018 IN
SECOND APPEAL NO.418 OF 2004

Syed Bazioddin s/o Hafizoddin @
Anmwaroddin ...APPLICANT

VERSUS

Marathwada Wakf Board, Aurangabad
and others ...RESPONDENTS

.....

Mrs. A.N. Ansari, Advocate for applicant
Shri C.R. Deshpande, advocate for R.No.1A to 1C

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CORAM: A.M. DHAVALE, J.

DATED : 7th December, 2018.

ORAL ORDER :

1. Mrs. Ansari, learned Advocate for the applicant has filed this application for joining the applicant as a party to the appeal, but from her arguments, it is her contention that the Second Appeal itself should be expedited. According to her, the applicant is declared as an Inamdar and the land is service inam land.

2. The respondent was declared by the first appellate Court

as Mutawalli and a decree for possession has been granted in his favour against the Marathwada Wakf Board. The applicant was not a party in the trial Court as well as in the first appellate Court. The decree passed against Marathwada Wakf Board will not be binding upon him.

3. Learned Advocate for respondents strongly opposes the inclusion of the applicant. If he is allowed to join, he can challenge the appeal and at the same time contend that since he was not party in the trial Court and first appellate Court and as decree is not against him, the decree is not binding upon him. This is not permissible . If he has any right, he can independently prosecute the same. The applicant is not necessary party in this appeal. Therefore, the application is rejected.

4. Since the Second Appeal is of 2004, it is expedited. Fix the appeal for final hearing in the second week of February 2019.

(A.M. DHAVALE)
JUDGE

fmp/