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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO.50 OF 2016

Shaikh Alimuddin s/o Mohd. Ishaq

APPLICANT

VERSUS

Kondu @ Kondiba Laxman Rathod and Others

RESPONDENTS

.....
Mr. Mohammad Waseemullah, Advocate for the applicant
Mr. B. S. Kudale, Advocate for respondents No. 1 to 3
.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 8th OCTOBER, 2018

ORDER :

1. Heard learned advocates for the appearing parties.
2. This civil revision application purports to take exception to order dated 4th April, 2014 passed by Presiding Officer, Wakf Tribunal, Aurangabad on Exhibit-1 in Wakf Application No. 27 of 2013, staying proceedings of said application.
3. It appears that, an order dated 21st January, 2014 had been subject matter of challenge in Civil Revision Application No. 203 of 2014. Under order dated 21st January, 2014, having regard to high court's order dated 20th April, 2012 in Civil

Revision Application No. 296 of 2011 holding that civil court would have jurisdiction to decide the matter, the Tribunal had directed the parties to submit status / stage of regular civil suit No. 57 of 2011. Subsequently, order impugned in present civil revision application has been passed and the Tribunal had considered that it would be appropriate to put on hold the proceedings before it.

4. After hearing learned advocates for the parties, it emerges that while regular civil suit No. 57 of 2011 has been filed by present respondents, regular civil suit No. 104 of 2011 has been filed by present applicant seeking injunction against present respondents. The same has been stayed under section 10 of the Civil Procedure Code. Said order has not been subjected to challenge by present applicant further and it appears that proceedings for eviction pursuant to section 54 of the Wakf Act had been moved thereafter.

5. Learned advocate for the respondents submits that as a matter of fact, evidence of plaintiffs in regular civil suit No. 57 of 2011 is already over and the civil suit is awaiting evidence by present applicant. The order is dated 4th April, 2014 and civil revision application has been moved in 2016. In the

circumstances, it does not appear that it would be appropriate to meddle with the discretionary orders passed by the Tribunal.

6. Civil revision application is, as such, not entertained and is disposed of.

[SUNIL P. DESHMUKH, J.]

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