

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

CIVIL REVISION APPLICATION NO. 211 OF 2018

Mir Farkhunda Ali Osmani
s/o Mir Gazanfar Ali Osmani
& others

... Petitioners

Versus

Shaikh Masood s/o Shaikh Hamid
& others

... Respondents

Mr. S.S.Kazi, Advocate for the Petitioners.

Mr. U.D. Dalvi, Advocat for Respondent no. 1.

Coram : N.M. Jamdar, J.

Date : 10 December 2018

Oral Order :

1. By this petition, the petitioners have challenged the order passed by the Wakf Tribunal, rejecting the application of the petitioners seeking their impleadment in Wakf Application No. 20/2015.

2. The respondents-applicants have challenged the order passed by the Chief Exeuctive Officer dated 23 June 2014. By order

dated 23 June 2014, the Chief Executive Officer, till finalisation of the scheme, has appointed the *Adhoc* Committee. The applicants have challenged appointment of this *Adhoc* Committee and have made members of this *Adhoc* Committee as party to the application.

3. An application for impleadment is filed by the petitioners on the ground that they are Persons Interested as defined under section 3(a) of the Wakf Act, 1995. It is their contention that they are the senior regular members and do *Namaaz* since last 75 years prior to the police action of 1948 and since they are acquainted with the area, they can assist the Tribunal in respect of the property.

4. Firstly, when the appointment of the *Adhoc* Committee is challenged before the Tribunal, it has very little to do with the identification of the property. Secondly, all the applicants have signed this application without differentiating between each other. Majority of the applicants are much below 75 years and their contention that they have been doing *Namaaz* for last 75 years, on the face of it, is incorrect. This is a collective application and the applicants should have shown some responsibility while tendering such application. The learned Tribunal, in this backdrop, was right in holding that no right has been shown by the applicants for their impleadment in the present

proceeding.

5. Civil Revision Application therefore cannot be entertained and is accordingly rejected.

N.M. Jamdar, J.