

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.364 OF 2018

M/s. S.C.S.Construction Pvt. Ltd. .. Applicants  
Versus  
The Maharashtra State Board of Waqfs  
and Ors. .. Respondents

Mr. Sagheer A. Khan with G.D.Shaikh I/b. Judicare Law Associates  
for applicants  
Mr. Mayur Khandeparkar I/b. Mohanish Choudhari for respondent  
Nos. 3 and 4.

CORAM : MRS. MRIDULA BHATKAR, J.

DATE : 18<sup>th</sup> July 2018.

P.C.

This civil revision application is directed against the order dated 8<sup>th</sup> February 2018 passed by the Waqf Tribunal, Aurangabad at Camp Thane, allowing the application below Exh.26. The applicants had filed the application under section 83(2) of Waqf Act 1995 and there was delay in filing the said application. There was about 1265 days delay. Therefore, the applicants moved an application for condonation of delay. The present respondent Nos. 3 and 4 filed the application below Exh.26 requesting the Waqf

Tribunal to call the deponent Mr. Rahul Shah, who is one of the authorised representative of the applicant company, for cross examination.

2] Learned Counsel for the applicants submits that the Tribunal has not determined the scope of cross examination and this is the main challenge in this revision application. The learned Counsel for the respondent Nos. 3 and 4 submits that the respondents will limit the cross examination on the point of delay only and the point of relevancy and admissibility of cross examination is to be determined by the Tribunal.

3] In view of this submission, the civil revision application is disposed of with following order:-

(a) The Tribunal to proceed with the cross examination of the deponent;

(b) The Counsel for respondents shall allow cross examination only on the point of delay;

(c) The tribunal to allow and control the cross examination as per the relevancy and admissibility.

(MRS.MRIDULA BHATKAR, J.)

Yogeshwar  
Bhalchandra  
Gokhale

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Bhalchandra Gokhale  
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