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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL REVISION APPLICATION NO. 647 OF 2016

Anwar Ismail Saifan	...	Applicant.
V/s.		
Ismail Chandso Mujawar		
and ors	...	Respondents

Mr. T.D. Deshmukh, for the Applicant.
Dr. Ramdas P. Subban, for the Respondent No.2.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 9TH APRIL, 2018.

P.C. :

1] Heard learned counsel for the petitioner and respondent No.2.

2] By this Civil Revision Application filed under Section 115 of Code of Civil Procedure, the petitioner is challenging the order dated 28th March, 2016 passed by Maharashtra State Waqf Tribunal at Aurangabad, in Waqf Application No.44 of 2015.

3] Learned counsel for the petitioner points out that Waqf Tribunal has passed the impugned order, setting aside the order dated 28.7.2015, passed in Case No.69/62/2015 appointing Ad-hoc Committee of Anwar Ismail Saifan and others, remanding the matter

to Maharashtra State Board of Waqf, Aurangabad, to appoint suitable person to perform all or any of the function of the Mutawalli of the Dargah, by giving an opportunity of hearing to the applicant No.1 Ismail Chandso Mujawar and applicant No.2 Akhlak Ahmed M. Wadwan.

4] The present petitioner, who was appointed as Mutawalli, is however, not giving an opportunity of being heard before Maharashtra State Board of Waqf and to that extent only the interference is required in the impugned order.

5] In my considered opinion, as the petitioner herein was appointed as Mutawalli, he is also required to be heard before any fresh order is passed under Section 69(5) read Section 63 of Waqf Act, 1995, by the Maharashtra State Board of Waqf, Auranabad.

6] Accordingly, the Civil Revision Application is allowed.

7] The impugned order passed by the Waqf Tribunal is modified to the extent that the petitioner herein be also given an opportunity of hearing before passing any order by the Maharashtra State Board of Waqf, Aurangabad.

[DR.SHALINI PHANSALKAR-JOSHI, J.]