

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

**911 CIVIL REVISION APPLICATION NO.89 OF 2019**

ABDUL WAHAB ABDUL RAZZAK .. Applicant  
VERSUS  
MAHARASHTRA STATE Wakf BOARD  
THROUGH ITS CHIEF EXECUTIVE OFFICER  
PANCHAKKI AURANGABAD & OTHERS .. Respondents

...

Advocate for the Applicant : Shri S.S. Kazi  
Advocate for Respondent No.1 : Shri Y.B. Pathan  
Advocate for Respondent Nos.2 to 12 : Shri G.R. Syed

...

**CORAM : P.R. BORA, J.  
Dated: June 25, 2019**

**PER COURT :-**

1. In the present application, it is the contention of the revisionist - applicant that, the learned Chairman of the Tribunal should not have rejected the application filed by the applicant at Exh.55 since the very purpose of filing Wakf Application No.6 of 2014 was served because of the order dated 16.04.2019 passed by the Wakf Board. The second objection is that, the order itself cannot be treated as an order in the eyes of law since it has not been signed by all the members of the Tribunal, but by the Chairman alone.

2. First, I would deal with the contention raised by Shri Kazi that application Exh.55 has been wrongly rejected by the Tribunal. The material on record shows that, in the Wakf Application

filed by the present respondents, the principle prayer is to set aside the order dated 04.01.2014 whereby the revisionist has been appointed as temporary mutawali. Now, if it is the contention of the present applicant that, the said order dated 04.01.2014 has been withdrawn by the Board vide its communication dated 16.04.2019, I see no reason for the revisionist to make any grievance if the Wakf Tribunal is deciding the contentions raised in Wakf Application No.6 of 2014 on merit for the reasons that, the end result would not cause any prejudice to him. I, therefore, see no merit in first objection raised by the revisionist.

3. In so far as the second objection raised by the applicant, as about the validity of the impugned order signed by the Chairman alone is concerned, without going into the merits of rival contentions raised, whether all orders (interlocutory or final) are to be signed by all the members or at least two members, I deem it appropriate to pass the following order.

#### ORDER

(i) The learned Registrar of the Wakf Tribunal shall place the impugned order dated 07.05.2019 before the learned Chairman and the learned Members of the Tribunal. If the learned Members of

the Tribunal are in agreement with the impugned order, they shall put their signatures below the said order. However, if the said learned Members are not in agreement with the said order, the said application Exh.55 shall be fixed for re-hearing and in such circumstances, the said order shall be deemed to have been set aside by this Court.

(ii) If the impugned order is also signed by the other two learned Members of the Tribunal, there may not be any impediment for the Tribunal to declare the Judgment in Wakf Application No.6 of 2014.

(iii) Civil Revision Application stands disposed of in above terms.

(iv) Authenticated copy of this order be provided to the parties to act upon.

**( PR. BORA, J. )**