

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

**REVIEW APPLICATION NO.204 OF 2016
IN
CIVIL REVISION APPLICATION NO.255 OF 2013**

Suryabhan S/o Tukaram Bhavar
since deceased through his LRs

Sukhdeo S/o Surbyabhan Bhavar & others

...APPLICANTS

VERSUS

The Chief Executive Officer
Maharashtra State Board of Wakfs
Aurangabad & others

...RESPONDENTS

.....
Mr. V.B. Garud Advocate for applicants
Mr. S.S. Kazi advocate for respondent No.5
.....

CORAM: T.V. NALAWADE, J.

DATED : 15TH FEBRUARY, 2019.

ORAL ORDER :

1 By this Application, applicants seek review of the order passed
by this Court on 26.4.2016 in Civil Revision application No.255/2013.

2 Heard both sides.

3 Learned counsel for the applicant has grievance mainly in
respect of observations made by this Court on factual aspects made

in para No.8.

4 This Court held on the basis of record held that probably Sayeed Amir was successor of Shaikh Husain and in that capacity, he had given the land for cultivation to Tukaram on batai basis. The learned counsel for the applicant submits that there was no relation between Shaikh Husain and Sayeed Amir. This Court holds that even if there is mistake in appreciating evidence, this Court is not expected to correct that mistake.

5 The point which was to be considered was, whether the disputed property was wakf property or not. On the basis of record and as the record shows that it was Inam property for rendering services to Mosque and the person namely Shaikh Husain was rendering services to Mosque, this Court held that it was wakf property. Further, there was no record to show that any proceeding was initiated under the Hyderabad Tenancy Act and no right was given to Tukaram or his successor and no record was produced to show that purchase price was deposited to declare petitioners as deemed purchasers. There was no record to show that any steps were taken under the provisions of Inam Abolition Act to claim benefits and due to this circumstance, Tukaram or his successors could not have claimed rights as tenant in respect of the property. In

view of nature of property, the wakf rights of lessee are not inheritable and the plaintiffs cannot be treated as owners also.

6 In view of these circumstances, the finding recorded by this Court in the order under review does not call for any review. The application is devoid of merit and stands dismissed.

(T.V. NALAWADE)
JUDGE

vbd