

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

CIVIL REVISION APPLICATION NO. 26 OF 2019

Mohammad Bahauddin S/o
Ziyauddin Kazi

..APPLICANT

-VERSUS-

Maharashtra Board of Wakfs
and others.

..RESPONDENTS

WITH

CIVIL APPLICATION ST. NO. 14787 OF 2019

Jama Masjid Shevgaon
A duly registered Trust/Wakf

..APPLICANTS

-VERSUS-

Maharashtra Board of Wakf
and others

..RESPONDENTS

...

Mr.P.R. Patil, Advocate for the applicant.
Mr.R.D. Biradar, Advocate for Respondent No.2
Mr.R.R. Mantri, Advocate for intervenor.

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CORAM: V.L. ACHLIYA, J.

DATE : 30.04.2019

ORAL ORDER:

Mr.Mantri, learned counsel pointed
out that his appearance is wrongly shown for

Respondent Nos.1 to 3. He has not recorded his appearance for Respondent Nos.1 to 3. On the contrary, he is appearing for intervenor and tendered the application to seek intervention.

2. Heard the learned counsel for applicant and intervenor.

3 By this Civil Revision Application, the applicant has challenged the order dated 13th November, 2018 passed in Wakf Suit No. 37 of 2010 passed by the Chairman, Maharashtra Wakfs Tribunal, Aurangabad. By the impugned order, the application moved by applicant vide Exhibit-109 for enquiry under Section 340 read with Section 195 of Code of Criminal Procedure has been rejected.

4. Mr. P.R. Patil, learned counsel for the applicant assail the impugned order with the contention that the order passed is cryptic and without proper reasons to reject the same. It is submitted that while rejecting the application, the Tribunal has directed to file the separate application, and at the same time observed that the

application Exhibit-76 is pending for the same cause.

5. Learned counsel for respondent No.2 supported the order passed.

6. Learned counsel for the intervenor submits that the applicant and Respondent No.2 are related with as father and son. Since the attempt was made to protract the case, the learned Tribunal has directed the petitioner to file fresh application.

7. On due consideration of the submissions advanced in the light of the order passed, I am of the view that the order impugned calls for no interference in exercise of writ jurisdiction under Article 227 of the Constitution of India. It appears that the suit came to be filed in the year 2010 and still pending for adjudication. It also appears that various applications were filed during the pendency of the suit which leads to delay in disposing of proceedings. As per the observations made by the Tribunal, the application Exhibit-76 filed by the applicant-plaintiff seeking similar prayer is

already pending for consideration and therefore, the application seeking relief cannot be entertained. Thus the view taken by the Tribunal cannot said to be perverse. The application seeking the same relief cannot be repeatedly filed in the matter. Moreover, the Tribunal has granted liberty to applicant to make proper application. In that view, there is no merit in the Application filed by applicant. However, the applicant is granted liberty to make fresh application as per law or directed by the Tribunal in the order as well to prosecute the application Exhibit-76 pending before the Tribunal. In case the application Exhibit-76 is pending claiming similar relief, the Tribunal is directed to decide the same as expeditiously as possible.

8. Civil Revision Application is disposed of accordingly.

9. Civil Application filed by applicant is disposed of in terms of order in Civil Revision Application and the same be registered.

10. All concerned to act upon

authenticated copy of this order.

[V.L. ACHLIYA]
JUDGE

SGA