

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO.107 OF 2022

Masjid At Bhadkal Darwaja

... APPLICANT

VERSUS

The Maharashtra State Waqf Board & ors.

... RESPONDENTS

.....
Mr. S.A.P. Quadri, Advocate for applicant
.....

CORAM : R. G. AVACHAT, J.

DATE : 5th SEPTEMBER, 2022.

PER COURT :

Heard Mr. Quadri, learned counsel for the applicant.

The challenge in this revision application is to the order allowing the application for amendment of the written statement.

2. Learned counsel for the applicant would submit that, similar application moved by the same parties had already been rejected by the same Court. By the proposed amendment, the admission given by the concerned defendants/ respondents is being withdrawn. The Wakf institution admits the applicant himself is the Secretary of the institution. One of the respondents admits to have been residing abroad. According to learned counsel, vital admission given by the respondents in their written statement that the institution is being run by the de facto Committee is sought to be withdrawn and the same will

prejudicially affect the interest of the applicant herein.

3. Considered the submissions advanced. The earlier application was rejected on technical grounds that it was not signed by all the defendants namely defendants No.4 to 12. The applicant, therefore cannot contend that earlier order of rejection of the application would come in the way for allowing the similar application subsequent thereto.

4. Perused the order impugned herein. The trial Court has rightly observed that the proposed amendment is explanatory in nature. Admission, if any, made in paragraph No.9 of the written statement in no way gets withdrawn. What the concerned defendants have admitted that the Wakf institution is in fact been managed by the de facto Committee. As such, this Court do not find any reason to interfere with the impugned order in exercise of discretionary jurisdiction. The Civil Revision Application is dismissed.

5. The Wakf Tribunal is requested to expedite the hearing of the suit. The application for injunction filed by the applicant herein be decided within a period of four months from the date of receipt of copy of this order.

(R. G. AVACHAT, J.)

fmp/-