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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 38 OF 2022**

Dudhari @ Kathada @ Kagzipura Masjid

Trust and Others

.... Applicants.

V/s

Uttam S/o Nabhaji Mahale & Ors.

.... Respondents.

Mr. Rohit V. Pawaskar a/w Sana Baugwala i/by Yusuf S. Baugwala for the Applicants.

Mr. Girish Godbole wotj Sagheer A. Khan and Parth Zaveri i/b Judicare Law Associates for Respondent Nos. 1 to 7.

Mr. Abdul Hafeez Kotawala for Respondent No. 8 and 9.

CORAM: NITIN W. SAMBRE, J.

DATE: MARCH 11, 2022

P.C.:-

1] Having heard respective Counsels, since issue of applicability of the provisions of Civil Procedure Code to the proceedings before Waqf Tribunal can be inferred from sub-rule (5) of Section 83 of the Waqf Act, 1995, Mr. Godbole, learned Counsel for the Respondent Nos. 1 to 7 does not dispute that Tribunal can frame issues and decide the same in accordance with law. That being so, Revision Application stands allowed to the aforesaid extent only.

2] Tribunal is directed to frame issues based on rival claims and decide the same in accordance with law.

3] Revision Application stands disposed of in the aforesaid terms.

(NITIN W. SAMBRE, J.)