

Pooja K.

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2485 OF 2020
IN REJECTED CASE NO. 1553 OF 2018
WITH CIVIL REVISION APPLICATION (ST) NO.30804 OF 2018

Sameer Iftekhar Shaikh and Ors. ... Applicants
Versus
Abdul Kadar Shaikh Abdul Rahman and Ors. ... Respondents

...
Mr. Shaikh Mohammad Naseer A. - Advocate for Applicants

...
CORAM : GAURI GODSE, J.
DATE : 12th January, 2023

PER COURT :

1. This application is filed for setting aside the order dated 6th December, 2018 passed by learned Registrar thereby granting conditional time to remove objections.
2. Objections were not removed within time hence, civil application stood dismissed.
3. The Civil Revision Application is filed for challenging the order dated 14th August, 2018 passed by learned Maharashtra Waqf Tribunal, Aurangbad in Waqf Suit No. 123 of 2017, by which the application for temporary injunction filed by the applicants

was dismissed.

4. Since impugned order in the Civil Revision Application is of the year 2018, I called upon learned counsel appearing for applicants to point out reasons for challenging the impugned order. Learned counsel appearing for the applicants submitted that, since the prayer in the interim application for injunction as well as main suit are similar, he would agitate his grievance in the main suit. In such circumstances, there is no point in keeping the Civil Revision Application pending.
5. For the reasons stated in the application, application is allowed in terms of prayer clauses 'B' and 'C', which reads thus :
 - B) The order passed by Hon'ble Registrar, High Court on dated 06.12.2018 in Civil Revision Application Stamp No.30804/2018 may kindly be recalled.
 - C) The delay of 418 days has been caused for filing of this Civil Application may kindly be condoned.

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6. So far as the Civil Revision Application is concerned, by the impugned order the application for interim injunction is

rejected. The reasons in the impugned order are prima-facie observations. Since the prayers in the interim application are same as the main prayers in the suit, the same cannot be granted at interim stage, as the same will amount to allowing the suit. There is no ground to interfere in the impugned order. Hence, Civil Revision Application is dismissed.

[GAURI GODSE]
JUDGE