

SPChauhan

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

CIVIL REVISION APPLICATION NO. 96 OF 2019

Suresh Pannalal Jain ... Applicant

Versus

Javed Ibrahim Fakir (Mujawar) and others ... Respondents

....
Mr. A.P. Bhandari – Advocate for Applicant
Mr. J.H. Deshmukh – Advocate for Respondent Nos. 1 and 2
....

CORAM : GAURI GODSE, J.

DATE : 11th January, 2023

PER COURT :

1. Civil Revision Application is filed by the defendant in Wakf Suit No. **256** of 2018 for challenging an order dated 03rd June, 2019, passed below exhibit 23, thereby, directing the concerned Police Station to grant police aid at the cost of plaintiff on particular date as per demand of the plaintiff. It is the grievance of the respondent/plaintiff that since the present applicant was committing breach of order of status quo which was passed, this application was filed.
2. By order dated 07th June 2019, passed in this Civil Revision

Application the order impugned in this Civil Revision Application was stayed. I am informed that though there was no stay to the proceedings, the application for temporary injunction in the suit is still not decided.

3. Learned counsel for the respondent plaintiff states that there is already an application filed under Order XXXIX Rule 2-A of Code of Civil Procedure, for taking action for committing breach of order of status quo. The counsel appearing for the parties agree that they will argue the application for interim relief which is pending before the tribunal. The grievance that was made on which the impugned order was passed can be decided in the application filed under Order XXXIX Rule 2 – A of the Code of Civil Procedure. In such circumstances nothing survives in the present Civil Revision Application.
4. In view of the aforesaid the Civil Revision Application can be disposed of. In my view, since the application under Order XXXIX Rule 2-A of the Code of Civil Procedure, is still pending and even the application for temporary injunction is still pending, there is no question of granting police protection

at this stage. Hence, the impugned order requires to be quashed and set aside.

5. In view of what is recorded herein above, the impugned order dated 03rd June, 2019 passed below exhibit 23 in Wakf Suit No. ***256 of 2018*** is quashed and set aside. In the event, any such occasion arises the plaintiff will be at liberty to make any such application and the same will be decided in accordance with law without being influenced by the order impugned in the Civil Revision Application or the present order.
6. For the reasons stated above, Civil Revision Application is disposed of.

[GAURI GODSE]
JUDGE

Note : This order is modified as per order dated 03rd March, 2023. The corrections are shown in bold and italics.