

SPChauhan

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

CIVIL REVISION APPLICATION NO. 102 OF 2022

Suryakant Bansidharrao Chavan and another ... Applicants

Versus

The State of Maharashtra and others ... Respondents

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Mr. R.D. Biradar – Advocate for Applicants

Mr. S.B. Pulkundwar – AGP for Respondent No. 1

Mr. S.S. Kazi – Advocate for Respondent Nos. 2 to 4

Mr. N.E. Deshmukh – Advocate for Respondent Nos. 5 and 6

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CORAM : GAURI GODSE, J.

DATE : 11th January, 2023

PER COURT :

1. This Civil Revision Application challenges order dated 25th November, 2021, passed by the Maharashtra State Wakf Tribunal, Aurangabad, below exhibit 71 in Wakf Suit No. 30 of 2013. By the order impugned in this Civil Revision Application, the application below exhibit 71 filed by respondent nos. 2 to 4 permitting them to intervene in the suit filed by the applicants was allowed and the applicants were directed to implead them as respondent nos. 2 to 4 as parties in the application.

2. I have heard both the parties in the Civil Revision Application. Learned counsel appearing for respondent nos. 2 to 4 state that they have already filed a substantive Suit No. 57 of 2022 with respect to the same property before the Wakf Tribunal. He, therefore, states on instructions that he will withdraw the application at exhibit 71 in Wakf Suit No. 30 of 2013 and he may be granted liberty to make an application before the Wakf Tribunal for clubbing his suit along with Suit No. 30 of 2013 for deciding both the suits together. The request made by the learned counsel appearing for the respondent nos. 2 to 4 is reasonable and hence, the liberty as prayed can be granted.
3. Hence, the following order is passed :

ORDER

- i. Respondent nos. 2 to 4 are granted leave to withdraw the application below exhibit 71 in Wakf Suit No. 30 of 2013 with liberty as prayed to make an application before the Wakf Tribunal for clubbing the Suit No. 57 of 2022 along with Wakf Suit No. 30 of 2013 to be tried and heard together.
- ii. If such an application is made the same will be decided on its own merits and without influenced by the order impugned in the

Civil Revision Application as well as present order.

- iii. Since the application at exhibit 71 is allowed to withdraw, nothing survives in the Civil Revision Application and the Civil Revision Application is disposed of in above terms.

[GAURI GODSE]
JUDGE