

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

**3 CIVIL APPLICATION NO.10766 OF 2023
IN RAST/22292/2023**

**MEHMOOD KHAN SARTAJ KHAN PATHAN AND ANOTHER
VERSUS
THE MAHARASHTRA STATE BOARD OF WAQF AURANGABAD THR.
CHIEF EXECUTIVE OFFICER AND OTHERS**

...
Advocate for Applicants : Mr. Mohammad Atique a/w. Mr. S.S. Kazi

...
**CORAM : R. M. JOSHI, J.
DATE : AUGUST 28, 2023**

PER COURT :

. This application is filed for condonation of delay in filing review application against judgment dated 04.05.2023 passed in Civil Revision Application No.97 of 2019. It is the contention of learned counsel for the applicants that in view of the observations made by this Court in paragraphs no.10 and 11 of the Judgment, nothing survives for the Board to decide and hence the order deserves to be reviewed. Perusal of the judgment indicates that while deciding the application certain observations are made, however since the application for change in the constitution of the wakf was not decided by the Board who was authorised to decide the same in view of the

provisions of the Wakf Act, direction was issued to the Board to decide the application in accordance with the law.

2. It is clarified that the observations made by this Court are to be treated to the extent of deciding this revision application and it is open for the Board to take appropriate decision on the application in accordance with law without getting influenced by the observations made therein.

3. In view of above, no case is made out for condonation of delay in filing of the review application. Hence, it stands dismissed.

[R. M. JOSHI]
JUDGE

GGP