

SPChauhan

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

CIVIL REVISION APPLICATION NO. 133 OF 2022

Karim Gul Mohammed Pathan ... Applicant

Versus

Maharashtra State Board of Wakf
Through its Chief Executive Officer and others ... Respondents

....

Mr. Quadri Tabrezuddin Rahimuddin – Advocate for Applicant
Mr. Y.B. Pathan – Advocate for Respondent No. 1
Mr. S.S. Kazi – Advocate for Respondent No. 8

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CORAM : GAURI GODSE, J.
DATE : 05th January, 2023

PER COURT :

1. This Civil Revision Application is filed for challenging order dated 12th October, 2022, passed by the Maharashtra State Wakf Tribunal, Aurangabad, on application at exhibit 90 filed by present applicant for recasting issues.

2. After arguing the matter for some time, the learned counsel appearing for the petitioner states that he is aggrieved by the observations made by the learned Tribunal in paragraph no 8 of the impugned order which reads thus :

“In our opinion in the said matter, the documents placed on record were already appreciated and finding has been recorded.”

3. Learned counsel appearing for the applicant submits that in view of such observation the apprehension of the applicant is that the documents produced by both the parties shall not be considered at all by the Tribunal. I do not find that these observations made by the learned Tribunal in paragraph no. 8 of the impugned order can be interpreted to mean that none of the documents on record will be considered by the Tribunal.

4. Therefore, it is clarified that the Tribunal will consider all the documents on record in accordance with law and decide the suit on the basis of the issues which are already framed at Exhibit 13.

5. Learned counsel appearing for respondent no. 8 submits that all the attempts on the part of the applicant is to protract the litigation as there is an interim protection granted due to which respondent no. 8 is unable to execute the decree which is already passed in favour of respondent no. 8. In the review order, the Tribunal has already recorded that the application of the applicant appears to have been filed to protract the disposal of the matter.

6. In such circumstances, it will be in the interest of justice that the Tribunal shall decide the proceedings as early as possible as per the convenience of the Tribunal.

7. With these observations the Civil Revision Application is disposed of.

[GAURI GODSE]
JUDGE