

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1462 OF 2020 IN
CIVIL REVISION APPLICATION NO. 17 OF 2020

Sakharam Keshav Gore
(Deceased through LRs) & others

Applicants

Versus

Maharashtra State Board of Waqf & others

Respondents

Mr. A. R. Lukne, Advocate holding for Mr. A. S. shelke, Advocate for
the applicants.

CORAM : R. M. JOSHI, J.

DATE : 20th APRIL, 2023.

PER COURT :

1. This is an application for condonation of delay of 1178, 1583 and 155 days in bringing legal heirs of deceased applicants No. 1, 4 and 7 respectively on record.

2. It is the contention of applicants that they did not have knowledge about pendency of the proceeding before the Wakf Tribunal and only after communication of judgment and order dated 13th May, 2019, they got knowledge about the same.

3. In spite of service of notice on respondents, none appears on their behalf. This shows that they have no inclination to oppose the application. It is settled law that the proceedings are to be decided on merit instead of their disposal on technicalities. In the interest of justice, application deserves to be allowed and the same is accordingly allowed in terms of prayer clauses 'B', 'B-1' and 'C'. Amendment be carried out within a period of two weeks.

(R. M. JOSHI)
Judge

dyb

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1082 OF 2021 IN
CIVIL REVISION APPLICATION NO. 17 OF 2020

Sakharam Keshav Gore
(Deceased through LRs) & others

Applicants

Versus

Maharashtra State Board of Waqf & others

Respondents

Mr. A. R. Lukne, Advocate holding for Mr. A. S. shelke, Advocate for
the applicants.

CORAM : R. M. JOSHI, J.
DATE : 20th APRIL, 2023.

PER COURT :

1. This application is filed for bringing on record legal heirs of deceased applicant No. 1-A who died on 7th June, 2020 as shown in the copy of death certificate filed along with the application.

2. The period of limitation was not applicable from 23rd March, 2020 till February 2022, in view of the order of the Hon'ble Apex Court. In view of this, application deserves to be allowed. Hence, the same is allowed in terms of prayer clauses 'B' and 'C'. Amendment be carried out within a period of two weeks.

(R. M. JOSHI)
Judge