

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 213 OF 2021

Golden Constructions	.. Applicant
Versus	
Mushtaque Ahmed Shaikh Fakhruddin	.. Respondent

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- Mr. Rahul Soman and Mr. Shon. D. Gadgil and Mr. G.D.Shaikh for Applicant
 - Mr. S.S.Kazi a/w. Mr. M. N. Shaikh, Mrs. Lalita Panchakshari for Respondent Nos. 1 and 2
 - Mr. Deepak R. More a/w. Mr. Shivram A. Gawade for Respondent No.6
 - Mr. Abdul Hafeez Kotwala for Respondent No.31
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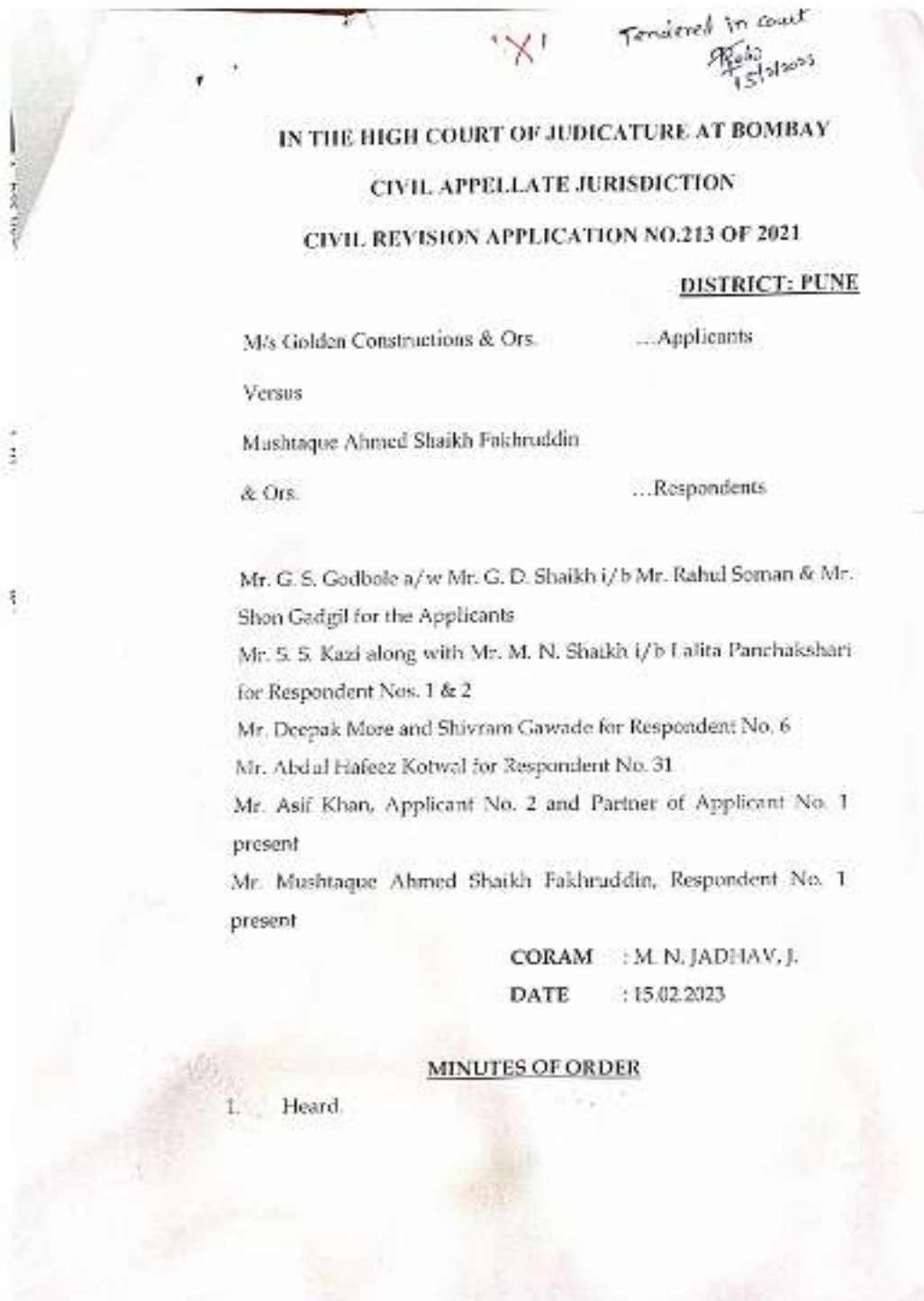
CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 15, 2023.

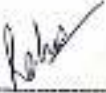
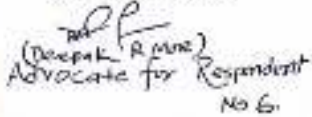
P.C.:

1. Heard Mr. Soman, learned Advocate for Applicant; Mr. Kazi, learned Advocate for Respondent Nos. 1 and 2; Mr. More, learned Advocate for Respondent No.6 and Mr. Kotwala, learned Advocate for Respondent No.31.
2. Parties have tendered Minutes of Order dated 15.02.2023 which are signed by Advocate for the Applicants; Advocate for Respondent Nos. 1 and 2; Advocate for Respondent No.6; Applicant No.2 for self and for Applicant No.1; Respondent No.1.
3. The undertakings recorded in the Minutes of Order are accepted as undertakings given to this Court.

4. Minutes of Order dated 15.02.2023 is taken on record and marked "X" for identification and the same is scanned and reproduced in the present order as under:



2. By consent of parties, the impugned Order dated 30.08.2021 passed on Application below Exhibit 148, to the extent that the Wakf Tribunal has rejected the Application to decide the issue of *res judicata* as a preliminary issue, is quashed and set aside.
3. The Wakf Tribunal is directed to decide the issue of *res judicata* as a preliminary issue and render decision on the same ^{preferably} within a period of three months from the date of passing of this Order.
4. It is expressly clarified that this Court has not expressed any opinion on the merits of the matter and needless to clarify, all contentions of parties are expressly kept open and the Wakf Tribunal is directed to decide the aforesaid issue in law without being influenced in any way by observations made in this Order.
5. The parties are directed to remain present before the Wakf Tribunal on 22.02.2023 at 12 noon.
6. No order as to costs. The Civil Revision Application is accordingly disposed of in the above terms.

		
Advocate for the Applicants	Advocate for the Respondent No. 1	Advocate for the Respondent No. 2
		
Applicant No. 2 for self And Applicant No. 1		Respondent No. 1
		
		(Deepak Rana) Advocate for Respondent No. 6.

5. Parties shall appear before the Wakf Tribunal on **22nd February, 2023 at 12:00 noon.**

6. In view of the Minutes of Order, Civil Revision Application is disposed.

[MILIND N. JADHAV, J.]

SONALI
SATISH
KILAJE

Digitally signed
by SONALI
SATISH KILAJE
Date:
2023.02.18
15:06:56 +0530