

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL REVISION APPLICATION NO.556 OF 2022

M/s. Havemore Realty Pvt. Ltd. Applicant

versus

Ussama Irshad Qureshi & Ors. Respondents

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- Mr. Shyam Mehta, Senior Advocate a/w Bhusan Deshmukh a/w Shakeel Shaikh a/w Aftab Diamondwala a/w Ms. Sheetal Shrivastav a/w Noordin Patel i/b. Diamondwala & Co., Advocate for Applicant.
- Mr. Mujtaba Gulam Mustafa, Advocate for Respondent Nos.1 to 4.
- Mr. Upendra Lokegaonkar, Advocate for Respondent Nos.5 to 8.
- Mr. Abdul H. Kotwala, Advocate for Respondent No.9.

CORAM : SARANG V. KOTWAL, J.
DATE : 23rd MARCH, 2023

P.C. :

1. Heard Mr. Shyam Mehta, Senior Advocate for the Applicant, Mr. Mujtaba Gulam Mustafa, Advocate for Respondent Nos.1 to 4, Mr. Upendra Lokegaonkar, Advocate for Respondent Nos.5 to 8 and Mr. Abdul H. Kotwala, Advocate for Respondent No.9.

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2. The Applicant has challenged the order dated 30/09/2022 passed below Ex.49 in Waqf Suit No.22/2022 by the Maharashtra State Waqf Tribunal. By that order, the Original Defendant Nos.1 to 5 were directed to maintain the status-quo as on the date of the passing of the order in relation to suit site to the extent of area of 3340 sq.ft. till disposal of the application for temporary injunction filed by the Plaintiffs/present Respondent Nos.1 to 4. The hearing of the application for temporary injunction was expedited.

3. The Applicant is the Original Defendant No.5 and the Plaintiffs are the Respondent Nos.1 to 4 in this Revision Application. Since the impugned order was passed at a very preliminary stage of deciding the application for temporary injunction, it would be appropriate if the Tribunal decides the main application for temporary injunction. It is obvious that it will have to be decided taking into consideration submissions of both the sides and therefore it will have to be decided independent of the observations made in the impugned order

dated 30/09/2022. At this preliminary stage, I am not inclined to interfere with the impugned order. In my opinion, this is not the stage where the High Court should interfere. Therefore, considering this, the following order is passed :

ORDER

- (i) The hearing of the temporary injunction application which is pending before the Maharashtra State Waqf Tribunal, Aurangabad, is directed to be decided expeditiously and as far as possible within a period of four weeks from 10/04/2023, which is the next date, before the tribunal.
- (ii) All the contentions raised by both the sides before the Maharashtra State Waqf Tribunal as well as the in the present Revision Application, are left open.
- (iii) While deciding the application for temporary injunction, the Tribunal shall consider all the issues independent of the observations made in the impugned order dated 30/09/2023.

- (iv) All other applications between the present parties which are pending before the Maharashtra State Waqf Tribunal, shall be decided expeditiously.
- (v) Both, the learned counsel for the Applicant as well as Respondent Nos.1 to 4, also accept that the application under Order 7 Rule 11 preferred by the Applicant herein can also be decided along with the application for temporary injunction.
- (vi) The Tribunal accordingly shall decide that application with the temporary injunction application.
- (vii) Both the parties are at liberty to file additional necessary documents before the Trial Court.
- (viii) With these observations, the Civil Revision Application stands disposed of.

(SARANG V. KOTWAL, J.)