



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

918 CIVIL REVISION APPLICATION NO. 206 OF 2023

SHAIKH NAIM SHAIKH LAL
VERSUS
SAYYED KALEEM SAYYAD ISMAIL AND OTHERS

...
Mr. P.S. Agrawal – Advocate for Petitioner

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 3rd January, 2024

PER COURT :

1. Heard learned Counsel for petitioner.
2. The Court vide order dated 5th December, 2023 has directed the learned Counsel for the petitioner to satisfy as to the present Revision Petition is maintainable against the impugned order. It appears that, the present application is filed for challenging order dated 20th September, 2023 whereby the Maharashtra Wakf Tribunal, Aurangabad has granted status-quo in relation to the execution of decree against defendant Nos.2 to 6 in Misc. Civil Application No.15 of 2021.

3. Learned Counsel for petitioner pointed out that, despite decree of vacation against the applicants in Misc. Application No.15 of 2021, they have started second round of litigation even after the earlier decree of vacation attained finality and in that proceeding the Wakf Tribunal has unnecessarily stayed the execution of earlier decree. He pointed out that, under Section 83 (9) of the Wakf Act the present Revision Application very much maintainable.

4. However, it appears that even after a vacation decree the Misc. Application No.15 of 2021 filed by some of the tenants against whom the vacation order is passed is being entertained by the learned Maharashtra Wakf Tribunal and in that application certain interim arrangements are made in relation to execution of earlier decree. Under such circumstances this Court is of the opinion that, instead of entertaining present Civil Revision Application certain directions to be given Maharashtra Wakf Tribunal for deciding the Misc. Application No.15 of 2021 expeditiously. As such, the present Civil Revision Application is disposed of with direction to Maharashtra Wakf Tribunal at Aurangabad to

decide the Misc. Application No.15 of 2021 wherein the impugned order dated 20.09.2023 is passed, as early as possible and preferably within the period of two months from the receipt of this order.

5. The Civil Revision Application is accordingly disposed of.

[SANDIPKUMAR C. MORE]
JUDGE