



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

916 CRA NO. 17 OF 2024

ANJUMAN-E-ISLAM A COMPANY INCORPORATED TRUSTEE
OF CHHOTA QABRASTAN TRUST P.T.R.

VERSUS

THE MAHARASHTRA STATE BOARD OF WAKFS THROUGH
CHIEF EXECUTIVE OFFICER AND OTHERS

...

Mr. S.S. Kazi, Advocate for the applicant.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 7 February 2024

ORDER:-

1. Heard learned Counsel for the applicant at the time of admission.
2. The applicant, who is the original applicant in Misc. Civil Application No. 31/2019, has challenged the order dated 01.11.2023 passed by the learned District Judge/Chairman, Maharashtra State Wakf Tribunal, Aurangabad whereby permission was granted to recall the witness i.e. AW-1 for further cross-examination.
3. The record shows that the said witness was sufficiently cross-examined by the learned Counsel for respondent No.2 and thereafter respondent No.2 did not examine anybody on his behalf. Moreover, written notes of arguments were also filed by the applicant. But thereafter respondent No.2 without arguing the matter finally and at such belated stage filed

application for recalling AW-1 for further cross-examination. On going through the impugned order, it appears that the learned Chairman, Maharashtra State Wakf Tribunal has relied upon the analogy as per Order 18 Rule 17 of C.P.C. and by relying upon Section 151 of the C.P.C. granted prayer of respondent No.2 of recalling AW-1 for further cross-examination for confronting certain documents. It appears that the learned Tribunal has also imposed cost of Rs. 2,000/- to be paid to the present applicant. As such, the impugned order appears to be a discretionary relief granted in favour of respondent No.2 and that too for proper adjudication of the justice. For inconvenience to the applicant, necessary cost is also imposed upon respondent No.2. As such, no perversity appears in the impugned order since the learned Tribunal has not decided the rights of the parties finally. In view of the same the Civil Revision Application stands dismissed at the admission stage.

(SANDIPKUMAR C. MORE, J.)